

THE MADRAS LEGISLATIVE COUNCIL.

Monday, 16th August 1954.

The House met in the Council Chamber, Fort St. George at eleven of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Promotion of Government servants as per communal G.O.

* 144 Q.—SRI M. K. M. ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether the communal G.O. is now being followed in the matter of promotion of Government servants; and

(b) if so, whether any particular community is excluded from recruitment to certain departments?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister):—“(a) The answer is in the negative.

“(b) Does not arise.”

MR. CHAIRMAN:—“Question Nos. 145 and 146 are postponed.”

Rules of admission of students to the Central Polytechnic.

* 147 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the same rules of admission of students as in the case of State Professional Colleges are applicable in respect of the Central Polytechnic, Madras; and

(b) whether a selection committee has been constituted by the Government for admission of students to the Central Polytechnic, Madras?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) The rules relating to the admission of students in the State Professional Colleges are applicable to the Central Polytechnic also, except in regard to selection committee and system of district quota.

“(b) No, Sir.”

SRI T. PURUSHOTHAM:—“Will the Government consider the constitution of a committee from next year onwards for this purpose?”

THE HON. SRI M. BHAKTAVATSALAM:—“For constituting a Committee for next year, there is yet sufficient

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time, Sir. The Government did not consider it necessary to constitute a committee because there was no question of interviewing the applicants before selection."

SRI T. PURUSHOTHAM :—" May I know, Sir, whether any complaint has been received pointing out any irregularity in the selection of candidates to this Institute? "

THE HON. SRI M. BHAKTAVATSALAM :—" I am not aware of any such complaint, Sir."

Annual produce of sugarcane in this State.

* 148 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total annual produce in tons of sugarcane in this State;

(b) the total produce in the South Arcot district alone; and

(c) the total requirement of sugar in this State?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) to (c) The attention of the hon. Member is invited to the paper * placed on the table of the House."

List of Newspapers, institutions, etc., supplied with Government publications free of charge.

* 149 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Finance and Education be pleased—

(a) to lay on the table of the House (i) a list of institutions and individuals included in the list of persons eligible for supply of papers placed on the Editors' table;

(ii) a list of newspapers eligible for free supply of Government publications; and

(iii) a list of newspapers for which Government advertisements are generally given;

(b) to state what State papers are generally placed on the Editors' table; and

(c) whether Members of the State Legislature are supplied from time to time all important Government Orders and communications of a general nature; and if not, why not?

THE HON. SRI C. SUBRAMANIAM :—" (a) Lists ^b are placed on the table of the House.

" (b) Administration Reports are generally placed on the Editors' table.

" (c) No, Sir; there is no need to supply copies of Press communications and Government Orders to the Members."

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SRI T. PURUSHOTHAM :—“ With reference to items 31 and 32 in List I—vide paper placed on the table of the House, may I know why all the papers are not communicated to the Members of the Legislature instead of sending them only such papers as are called for? ”

THE HON. SRI C. SUBRAMANIAM :—“ It will be quite unnecessary to send all the papers to the Members because Members may not be interested in many of these subjects.”

SRI S. SRINIVASA RAO :—“ May I know, Sir, whether there is any rule or principle as a result of which advertisements are denied to the opposition Press? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, it is not a question of the opposition Press being denied. On other considerations they may not be entitled to the advertisement.”

SRI T. PURUSHOTHAM :—“ May I know, Sir, whether the Government will consider the supply of Government publications free of charge to all the public libraries that are being started under the Madras Public Libraries Act? ”

THE HON. SRI C. SUBRAMANIAM :—“ I shall consider the question Sir.”

Provision of Provident Fund or bonus for permanent servants paid out of contingencies in Government institutions.

* 150 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether there is any provision of Provident Fund or bonus for permanent servants paid out of contingencies in Government institutions; and

(b) if not, whether Government propose to provide for the same?

THE HON. SRI C. SUBRAMANIAM :—“ (a) & (b) Government servants paid from contingencies are not eligible for the benefits of any Provident Fund. The Government do not also propose to provide Provident Fund benefits for these employees. But under the Madras Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, Government servants paid out of contingencies, who have rendered a service of over five years, are, on retirement, eligible for a gratuity at the rate of half a month's pay for every completed year of service subject to a maximum of fifteen months' pay.”

SRI G. KRISHNAMOORTHY :—“ Is that rule in force in the case of the local board schools also, Sir? ”

THE HON. SRI C. SUBRAMANIAM :—“ I would like to have notice, Sir.”

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Maximum number of Judges fixed by the President for the Madras High Court consequent on the formation of Andhra High Court.

* 151 Q.—SRI V. GURUNANDAN ROW : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether the President has fixed the maximum number of Judges for the Madras High Court consequent on the formation of Andhra High Court;

(b) if so, the maximum number fixed by the President; and

(c) whether the Government have made any suggestions to the President and if so, the number suggested by them?

THE HON. SRI C. SUBRAMANIAM :—“(a) & (b) Yes. The President has fixed the maximum number of Judges for the Madras High Court at twelve consequent on the formation of the Andhra High Court.

“(c) Yes. The State Government's recommendations in the matter are treated as secret and it is regretted that the particulars cannot be given.”

SRI V. GURUNANDAN ROW :—“Sir, is there any proposal to transfer any I.C.S. Telugu-knowing Judges to the Andhra State?”

THE HON. SRI C. SUBRAMANIAM :—“I am not aware of it, Sir.”

SRI K. BHASHYAM :—“May I know, Sir, whether there is any proposal to send some of the present Judges left in the Madras High Court to the Andhra High Court? May I also know whether such a proposal has been made by this Government to the Union Government or the Andhra Government?”

THE HON. SRI C. SUBRAMANIAM :—“No proposal is pending now, Sir.”

SRI MOHAMED RAZA KHAN :—“Sir, I understand that three-fourths of the work of the Madras High Court was confined to the Andhra area and only one-fourth to the Madras area. If so, are twelve Judges necessary?”

THE HON. SRI C. SUBRAMANIAM :—“This is only the maximum number retained here. It does not mean that we will continue to have twelve Judges all the time. Now in view of the arrears pending, we have agreed to have a strength of twelve Judges.”

SRI K. BHASHYAM :—“May I know whether there was any proposal to transfer some of the present Judges left in the Madras High Court to the Union Government?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, various proposals were put forward to the Union Government in the matter

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and it was finally decided that twelve Judges should remain here and that three of the existing Judges should go over to the Andhra State."

SRI K. BHASHYAM :—" Sir, in view of the fact that the Andhra Government have got seven posts of Judges to be distributed as patronage, is it not a case of injustice to the Madras legal profession and the Madras Government to be deprived of any such advantage? "

THE HON. SRI C. SUBRAMANIAM :—" That was the view of this Government, Sir, but unfortunately the Union Government did not agree with us."

SRI MOHAMED RAZA KHAN :—" Sir, I understand that 60 per cent of the cases in the old High Court of the composite State was from the Andhra area and only 40 per cent from Madras. May I know whether the Madras Government are justified in retaining twelve Judges even granting that it is only a temporary measure? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, the ratio 60 : 40 does not give a true picture. Here we have got the Original Side, which does not exist in the Andhra High Court. Apart from that, in view of the pendency of a large number of cases, here, the Chief Justice considers it necessary to have twelve Judges."

SRI V. GURUNANDAN ROW :—" Sir, in the Government's view, what would be the number of Judges that would be normally necessary for the Madras High Court? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, if we continue to have the Original Side, we should have at least ten Judges."

SRI T. PURUSHOTHAM :—" In view of the remarks that have been made here, will the Government consider the reduction of the number of the High Court Judges? "

THE HON. SRI C. SUBRAMANIAM :—" As and when Judges retire, perhaps we may not fill up the vacancies."

Uniform set of leave rules in respect of teachers in aided secondary institutions.

* 152 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance and Education be pleased to state with reference to Starred Legislative Council Question No. 21 answered on 12th March 1953 what steps the Government have taken to provide uniform set of leave rules in respect of teachers in aided secondary institutions?

THE HON. SRI C. SUBRAMANIAM :—" At present the managements of aided secondary schools have discretion to

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frame their own leave rules for the teachers under their employ. But for purposes of grant, sick leave not exceeding four months at a time and limited to one year in the whole service of the teacher is allowed. The question of prescribing uniform leave rules in respect of teachers in the aided secondary schools was examined as assured on the floor of this House. In view of the financial commitment involved, and the difficulty in enforcing the leave rules and as the teachers belong to the vacation department having to work for only 180 days in the year, it was decided that the existing practice of allowing managements to frame their own leave rules might be continued."

SRI G. KRISHNAMOORTHY :—" Sir, are the Government aware of the fact that in the case of 20,000 and odd elementary schools they have got a rule in force and will the Government kindly see that what is applicable to the 20,000 and odd elementary schools is easily made applicable to the 1,000 middle and high schools? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, I have already mentioned that the teachers have got to work only for 180 days in a year and the rest of the 185 days are holidays for them. Therefore, I do not think it necessary to go into the question."

SRI G. KRISHNAMOORTHY :—" Sir, I wish to bring to the notice of the Hon. Minister that the statement that they work only for 180 days in a year is not correct inasmuch as they have to do other kinds of work like preparation, correction, etc., which engages them for more than 220 days or the equivalent of the number of days a non-gazetted officer works. In view of that fact, will the Government kindly see that these teachers, who have also got domestic difficulties, are also made eligible for a uniform set of leave rules? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, this question has been considered once when Dr. Krishna Rao was in charge of the Education department. I do not think that any useful purpose will be served by considering this question again. Anyhow, I shall look into the matter."

SRI G. KRISHNAMOORTHY :—" May I bring to the notice of the Government that there are institutions which do not grant even one day's privilege leave to the teachers and that teachers are being harassed like anything? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, if there are any such hard cases, they may be brought to the notice of the Government."

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Number of Hindi Pandits who were not permitted to sit for the S.S.L.C. Examination in March 1953.

* 153 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance and Education be pleased to state—

(a) the number of Hindi Pandits who were not permitted to sit for the S.S.L.C. Examination in March 1953; and

(b) the number of such Pandits who have been admitted to the subsequent S.S.L.C. Examinations held in October 1953 and March 1954?

THE HON. SRI C. SUBRAMANIAM:—“(a) Seventy-five Hindi Pandits were not permitted to sit for the S.S.L.C. Examination held in March 1953 as they were not qualified then to appear for the examination.

“(b) This information is not available in official records and it cannot also be ascertained except perhaps by entering into correspondence with the Pandits concerned.”

SRI G. KRISHNAMOORTHY:—“Have the Government considered the question and found out that the order passed at the time of the examination in March 1953 was wholly unjust and against the facts?” 11-10 a.m.

THE HON. SRI C. SUBRAMANIAM:—“I do not know how it is unjust. The Pandits were made eligible to appear for the examination in October 1953 if they had become qualified. Therefore, I do not see any unjustness in the order.”

SRI G. KRISHNAMOORTHY:—“They were all teachers with three years' service as in the case of Sanskrit and Tamil Pandits. They were denied permission and were forced to get a training diploma which they have already obtained as part of the Pracharak diploma.”

THE HON. SRI C. SUBRAMANIAM:—“They have to get the Pracharak diploma and then they will be eligible to sit for the S.S.L.C. examination. If they are not qualified under that rule, I do not see how we could make them eligible for it.”

SRI G. KRISHNAMOORTHY:—“Sir, may I request the Chair to allow a half-hour debate on this subject. This subject was mooted in the last session and the Government have to be cleared of the misapprehension that the Pracharak diploma is a mere training qualification, whereas it is not. Pracharak diploma is not at all a mere training course; but it is a training course plus something else. As this matter affects a number of Pandits and as the Government have to be posted with the actual position, I request the Chair to allow a half-hour debate on it.”

MR. CHAIRMAN:—“I do not consider this matter to be important enough to be discussed in a half-hour debate. Therefore, I disallow the request.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN *RE*

(1) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN :—“ I have to announce to the House that I have received the following messages, dated 13th August 1954, from Hon. the Speaker, Madras Legislative Assembly :—

‘ (1) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly on the 13th August 1954, and signed by me, for the concurrence of the Council.’

‘ (2) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954), as passed by the Assembly on the 13th August 1954, and signed by me, for the concurrence of the Council.’

‘ (3) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Commercial Crops Market (Amendment) Bill, 1954 (L.A. Bill No. 36 of 1954), as passed by the Assembly on the 13th August 1954, and signed by me, for the concurrence of the Council.’

‘ (4) In accordance with rule 112 of the Madras Assembly Rules, I transmit a copy of the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), as agreed to by the Assembly without any amendment and signed by me.’

‘ (5) In accordance with sub-rule (2) of rule 105 of the Madras Assembly Rules, I have the honour to intimate that the amendments made by the Council in the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), were taken into consideration by the Assembly at its meeting held on the 13th August 1954, and that the Assembly has disagreed to the amendments made by the Council.’”

(2) NOMINATION OF A MEMBER TO THE RULES COMMITTEE [

MR. CHAIRMAN :—“ I have also to announce to the House that under rule 135 of the Madras Council Rules, I have nominated Sri V. Bashyam Ayyangar to be a Member of the Rules Committee.”

III.—FELICITATIONS ON CONFERMENT OF INDEPENDENCE DAY AWARDS ON TWO HON. MEMBERS OF THE HOUSE.

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. Chairman, Sir, we, in this House, are indeed happy that the President of India has been good enough to confer on the Independence Day titles on two hon. Members of this House. The title of ‘ *Bharat Ratna* ’ has been conferred on the hon. Member Sri C. Rajagopalachari. The title of ‘ *Padma Vibhushan* ’ has been conferred on the Hon. the Leader of the Opposition and he is fortunately here in this House to-day. May I request the Chair to convey these distinguished recipients of the titles the warmest felicitations of this House.”

* DR. V. K. JOHN :—“ Sir, may I join wholeheartedly in the congratulations to two hon. Members of this House on the titles conferred on them by the President. About hon. Members Sri C. Rajagopalachari and Dr. Lakshmanaswami Mudaliyar, I need not say anything to this House. They are so well known,

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I need only say that not only the Opposition but also the whole House, this State and the country and the civilized part of the world are proud of them and we are very gratified that these titles have been conferred upon them."

MR. CHAIRMAN :—" I have the greatest pleasure in associating myself with the sentiments expressed by the Hon. the Leader of the House and the Deputy Leader of the Opposition. The qualities of these two great men are well-known to hon. Members of this House and they do not need any repetition by me. The hon. Member Sri C. Rajagopalachari who was the Chief Minister of this State till a few months ago is most respected all over the country and, as the hon. Member Dr. John said, even outside the country. As far as the hon. Member Dr. Lakshmanaswami Mudaliar is concerned, I know him much more intimately and I have worked closely with him for the last so many years. So, I feel that as a Doctor greatly respected internationally as an administrator and an eloquent speaker and eminent in so many ways, he deserves this honour, and it is universally accepted by everybody and we are all gratified that these titles have been conferred on them.

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, I am deeply touched by the sentiments expressed by the Hon. the Leader of the House and my hon. Friend, the Deputy Leader of the Opposition who were pleased to say some good things about me. I can only say that it was a pleasant and most unexpected surprise when I was told at the Independence Day Parade yesterday that I was the recipient of an honour from the President of our country. I did not know at that time what that particular title was because none of us expected any honours on this Independence Day. I can only say and hope that I may merit this signal honour that the President has been pleased to confer on me. Thank you all."

IV (1)—MOTION UNDER RULE 22 (3) OF THE COUNCIL RULES.

* THE HON. SRI C. SUBRAMANYAM :—" Mr. Chairman, Sir, I move—

' That under rule 22 (3) of the Council Rules, the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly be taken up before the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954). ' "

MR. CHAIRMAN :—" The question is—

' That under rule 22 (3) of the Council Rules, the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly be taken up before the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954). ' "

The motion was carried.

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V.—GOVERNMENT BILLS.

(1) THE MADRAS PUBLIC LIBRARIES (AMENDMENT) BILL, 1954 (L.A. BILL NO. 29 OF 1954).

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, I beg to move—

*‘ That the Madras Public Libraries (Amendment) Bill * 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly be taken into consideration.’*

This is a very simple Bill rectifying a small defect in the provisions of the old Act. According to the provisions of the present Act as they stand, any gift to any library can be accepted only after the Government gave sanction for that purpose. It is not necessary that for everything it should go to the Government for sanction. Therefore, in respect of books which are ordinary gifts given to a library, we have provided in this amending Bill that the Director can give sanction to them. This is a simple Bill and I hope the House will agree to it.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly be taken into consideration.’

SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, as the Hon. Mover of the Bill has stated, this is a simple Bill. I do not want to say anything elaborately about it. But I want to say one or two words. Sir, at the time of the discussion on the Supplementary Demands, I made certain observations that the Madras Public Libraries Act, 1948, has not properly worked in our State and though the Government have been collecting the library cess for libraries, it has not yet been utilized to the extent to which it ought to have been utilized in our country, and the Hon. the Minister for Education was then pleased to state that he would go into the whole matter and see, if possible, what could be done. Therefore, I am mentioning it again.

“ I also made a reference at that time that there should be a Director of Public Libraries appointed specially for this purpose because the Director of Public Instruction is already an over-worked officer and he has got a lot of work to attend to and these things cannot be attended to by him. Sir, the Madras Public Libraries Act, 1948, provides for the appointment of a Director of Public Libraries and, therefore, I feel that if they had brought in an amendment appointing a Director of Libraries and empowering him to accept these gifts, it would have pleased me much better than the present amending Bill which is now before the House.”

11-20 a.m. * SRI E. H. PARAMESWARAN :—“ Mr. Chairman, Sir, I wish to associate myself generally with what the Hon. the Minister for Finance and Education said and, at the same time, I am inclined to agree with my hon. Friend, Sri K. Balasubramanya

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Ayyar, that there is a feeling among the public that the Public Libraries Act of 1948 has not done very much to meet the situation with regard to libraries. May I point out, Sir, that when this Act was passed there were very great hopes entertained that there would be a radical transformation of the situation regarding libraries in our State. But, in spite of the fact that so many years have elapsed after the passing of this Act, we do not find any great change. With regard to the City of Madras, we find it in the newspapers again and again that five or six lakhs of rupees have been locked up in the District Libraries Association and there is no District Library for the City of Madras. With regard to the mufassal also there is some such feeling. Therefore, while we may congratulate ourselves that we have already taken some step forward, we ought not to remain content with it. We ought to see that libraries are established in all the rural areas. It is important that these library books should go to all the villages and mobile vans should be utilized to carry them to the villages. As the hon. Member Sri K. Balasubramanya Ayyar said, I feel that one of the fundamental defects in the Madras Public Libraries Act of 1948 now is that no separate Director of Public Libraries has been appointed. As long as the Director of Public Instruction is entrusted with the work relating to public libraries, we cannot expect things to progress. As far as I know the Director of Public Instruction is entrusted with very heavy responsibilities and he has absolutely no time to attend to this work. I may also say, Sir, that I am the representative of the Madras Legislative Council on the Public Libraries Committee. During the last twenty months there has been no meeting of the Committee and I have been asking the Office of the Director of Public Instruction as to when there will be a meeting. It is said that it will take some more time.

"With these observations, I would request the Hon. the Minister for Education to see if a separate Director of Public Libraries cannot be appointed. I do not see what is the difficulty in doing so. We need not have a very big officer on a salary of Rs. 1,000 or Rs. 1,500. We can have a responsible officer on a small salary to look to the working of the Public Libraries Act and the organization of public libraries in all the districts. I am sure, the Hon. the Minister for Education will look into the matter and see that great progress is made with regard to the organization of libraries not only in the large towns but also in the rural areas. With these remarks, Sir, I have pleasure in supporting the motion."

* SRI T. PURUSHOTHAM :—"Mr. Chairman, Sir, before I offer a few remarks on this Bill, may I congratulate the Hon. Sri K. Kamaraj Nadar, on his election as a Member of the Legislative Assembly. (Hear, hear.) He has set a great example in democratic conventions in seeking the popular vote soon after his election as Leader of the Congress Legislature Party and I thought that I must take this opportunity of congratulating . . ."

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SRI K. BALASUBRAMANYA AYYAR :—“ The hon. Member can congratulate the Hon. the Chief Minister on behalf of the Council.”

* **SRI T. PURUSHOTHAM :—**“ Yes, Sir. I certainly congratulate him on behalf of the Council.

“ As regards this amending Bill, it will be noted that for purposes of administration of the Madras Public Libraries Act of 1948 there is a statutory body like the Local Library Authority for each district and I do not see any reason why the previous sanction of the Government or the Director of Public Instruction is required for accepting gifts. Some of the panchayats have offered to transfer the existing panchayat libraries to the library authority. Sir, my difficulty is this. Why should not this Statutory Library Authority which includes officials like the District Educational Officer have the power to accept gifts and why the previous sanction of any other authority is required?

“ Sir, I would like to submit in this connexion that the Madras Public Libraries Act, 1948, and the rules thereunder require radical changes. At present the rules require the sanction of the Director of Public Instruction for the purchase of even small items like library furniture, etc. The rules should be liberalized and the Government should, I believe, place more confidence in non-official bodies like the Local Library Authorities. The present Act requires as I said salutary changes and I would request the Hon. the Minister for Education to take up this question.

“ A separate Library department, I believe, should be constituted for making the library service more efficient. The District Educational Officer, as the Secretary of the Local Library Authority, is not able to devote full-time attention to problems connected with rural library service. Perhaps, a Deputy Inspector of Schools may be appointed as full-time Secretary for each of the Local Library Authorities. I would also suggest that adult education work in rural areas should be entrusted to this agency. Having expressed my views on the Bill, I have no objection to this small Bill going through.”

* **SRI K. BHASHYAM :—**“ Mr. Chairman, Sir, I think hon. Members of this House have been good enough to support the Bill but, at the same time, have made a lot of criticism against the working of the Public Libraries Act of 1948 and the working of the department. This shows that they are not satisfied with things as they are and that they would like something to be pulled up somewhere so that the Public Libraries Act may be efficiently administered. I would therefore like to ask that if the Government do not act up to the suggestions and take steps to remedy the defects, how could they expect gifts to be made or persons to come forward with endowments? The Government must attend to these criticisms and see that the Act is satisfactorily worked so that the people may be induced to make the necessary endowments and the necessary gifts of books to the libraries,

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“ Having said this, I want to add a few words in reply to the hon. Member Sri T. Purushotham who suggested that there should not be any necessity to obtain sanction of the Government or of the Director of Public Instruction for the acceptance of gifts. In the case of libraries, I would like to point out that there are certain books which may not be good from a general point of view, or from the point of view of moral standards or they may be even objectionable from a political point of view. Then there may also be endowments with conditions and terms which may not be quite acceptable to the Government. In both cases, it is necessary that some gentleman must have the right to investigate the matter and sanction the acceptance of such gifts. Therefore, it is but right that the Government or the Director of Public Instruction must have this power. I would like to add once again that the criticisms made on the floor of this House seem to show that there are many things which have to be done before the Government could expect people to take any endowments or gifts.”

* SRI G. KRISHNAMOORTHY :—“ Mr. Chairman, Sir, I am glad that this Bill seeks to empower the Director of Public Instruction to just permit authorities of Public Libraries to accept books. There are books and books and as the previous speaker, the hon. Member Sri K. Bhashyam, said, there are books which cannot be accepted for the use of public libraries. Even books which are approved by the Text-Book Committee which is acting under the auspices of the Government are not an exception to this. The wrapper is all right, the picture on the wrapper is all right and patently the book seems to be a national one but there are many places wherein we can find anti-national sentiments. It is really a sad picture that, when from Kashmir to Cape Comorin from the Prime Minister of India down to the lowest patriotic-minded man we have been impressing upon the people that there should not be any anti-national sentiment and no occasion to spread it, especially through print which is considered to be *Veda* by many people, anti-national sentiments do find a place in our books. There are books which are anti-national in character. There are books prescribed by the Education Department to-day in which there is a great tendency to create in the impressionable minds of the pupils a difference between the North and the South. There are books which proclaim from house-tops that one man is superior to another or that one man is inferior to another while we have been hearing at the same time, the voice of our revered Prime Minister that there should not be any such thing. If at all anything is to be achieved through public libraries which are supposed to contain the sacred books of our ancients and which books are supposed to teach the young to be loyal to the National Government, it is our duty to see that the Director of Public Instruction is enjoined by the rules to be framed under this Act by the Government that not only he accords sanction of Local Library authorities to accept gifts of books but also sees to the fact that from the first to the last line each book does not contain any anti-national sentiment whatsoever.”

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* DR. V. K. JOHN :—“ Mr. Chairman, Sir, the Madras Public Libraries Act, 1948, was passed on the 8th February 1949 and it was sought to provide for the establishment of libraries in the State of Madras and the organization of a comprehensive rural and urban library service. Now I take it that it is the opinion of this House and it is the opinion of the educated public in the State that the object of this Act has never been implemented. It provides for Local Library authorities. I should like to know from the Hon. Minister how many local library authorities have been established and to what extent the objects of this Act have been implemented. I join along with the other speakers in saying that it is high time that the Government look into this matter and amend the Act, if necessary, and see that the objects of the Act are implemented.”

SRI V. CHAKKARAI CHETTY :—“ Mr. Chairman, Sir, I should like to say one or two words about this Bill to amend the Madras Public Libraries Act, 1948. I am a frequent visitor to the Connemara Public Library. It is a poor institution from the standpoint of the availability of new books. Many new books recently written are not available at all. It is an apology for a library. I should very much like the Government providing books on important scientific and literary subjects. This library contains, unfortunately, only old manuscripts and old books. Even these books are practically in a state of collapse. The moment I take a book the pages of it break into pieces like ‘pappadams’. Sometimes it is even worse than that.

“ Secondly I should like to ask the question ‘ why sanction is necessary for accepting gifts of books? ’ Do the Government want that a sort of censor should be appointed for censoring literary publications? We have all been against the appointment of censors to scrutinize the news appearing in newspapers and in literary publications. The readers of the publications would certainly be in a position to discriminate between what is right and what is wrong. Why should we ask any authority to go into this question? I do not like the idea of constituting anybody as censor to scrutinize the acquisition of books in Public Libraries. If the publications are obscene in character, of course, they can be objected to and the Police have got powers under the general law to prosecute the authors of these books and also seize the books. Apart from this, I do not believe any one would be entitled to go into the question whether the sentiments expressed in a publication are national or anti-national. I do not know how it is possible for any one to determine which is national and which is anti-national. If a certain officer is criticised in a book, do the Government mean to say that it is anti-national simply because an officer has been criticised? I do not believe that anybody should be authorized to receive or reject books that are offered by any public-spirited person for being put on the shelves of a public library.”

* SRI T. M. DAIVASIKHAMANY ACHARIAR :—“ On a point of information, Sir. The hon. Member Sri T. Purushotham has stolen a march over other hon. Members of this House in

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having congratulated the Hon. Chief Minister on the brilliant success he has recently achieved. Sir, in the fitness of things, taking into consideration that this House is a school of extraordinary discipline and is entitled to set an example to the other House, each individual Member should be allowed an opportunity to express his views if he wants to do so. That is my point, Sir, which I am urging before you for taking necessary steps and allowing all others also to speak about it."

MR. CHAIRMAN :—" This is not usually done and we have gone away from the right path when the Hon. the Chief Minister on his success in his election and hon. Members Sri C. Rajagopalachari and Dr. A. Lakshmanaswami Mudaliyar on the titles conferred on them were felicitated. We do not usually do this but to-day the whole House is behind the felicitation and that satisfies it."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I am grateful to the various hon. Members who have made very useful suggestions in regard to the working of the Public Libraries Act. As a matter of fact, I confessed the other day that it had not been working properly. When I looked into the working of this Act, I found that in many places, apart from the libraries working properly the libraries have not been started. Therefore, the first thing I thought was to set in motion the starting of libraries in places wherever possible. I am glad to say that it is being done in most of the places. Even in the City of Madras I found that for the last five years a Central Library has not been started. Thanks to the efforts of the Local Library Committee of the Madras City, they have very recently opened a Central Library and on the occasion of its opening I was assured that there would be opening of branch libraries very soon. So also in Chingleput district they have opened a Central Library and they have also opened a few branch libraries already under the guidance of the hon. Member Sri T. Purushotham. In other districts also the Local Library authorities have opened a few libraries. I hope to complete the opening of libraries very soon. Then, Sir, the question with regard to the difficulties of working these libraries will be taken up. If I had taken up the question of scrutinizing the working of this Act, I am sure, even the opening of these libraries in the various places would have been delayed. That is the excuse in regard to the complaint that I have not taken up immediately the question of bringing forward a comprehensive amending Bill.

" Coming to the small amendment to the original Public Libraries Act of 1948, suggested in the Bill, certain hon. Members have expressed themselves against the checking of gifts of books made to the various libraries. I respectfully differ from them. Nowadays many books written are not worth the name of books. Such books may also be presented to the various libraries. Therefore it is necessary for the Central Authority to scrutinize the various books which are being given by way of gifts. With regard to the

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purchases we have passed an order that only authorized books should be purchased. Persons who are interested in libraries may present to them very many valuable books. Some persons may pass on books which they do not find necessary or for which they have found no use. It should not be left to the authorities to accept any of the books so presented. That is why we have to put a check on the acceptance of gifts of books. I am sure the Director of Public Instruction will exercise his authority with discretion and I do not think there will be any occasion to criticise the existence of that authority at any time. With reference to other gifts, a provision is already there that Government alone should grant the sanction because other gifts should not be passed on to libraries without the sanction of the Government. I therefore request that the Bill may be taken into consideration at once."

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a.m.

MR. CHAIRMAN :—" The question is—

' That the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I move—

' That the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—" The question is—

' That the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

IV. (2)—MOTION UNDER RULE 22 (3) OF THE COUNCIL RULES.

* THE HON. SRI M. BHAKTAVATSALAM :—" Mr. Chairman, Sir, I move—

' That under Rule 22 (3) of the Council Rules, the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly, with the amendments made by the Council and not agreed to by the Assembly be taken up before the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954).' "

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MR. CHAIRMAN :—“ The question is—

‘ That under Rule 22 (3) of the Council Rules, the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly, with the amendments made by the Council and not agreed to by the Assembly be taken up before the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954).’ ”

The motion was carried.

V.—GOVERNMENT BILLS.—*cont.*

- (2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1954 (L.A. BILL NO. 27 OF 1954), AS PASSED BY THE ASSEMBLY WITH THE AMENDMENTS MADE BY THE COUNCIL AND NOT AGREED TO BY THE ASSEMBLY.

THE HON. SRI B. PARAMESWARAN :—“ Mr. Chairman, Sir, I move—

‘ That the amendments specified in the annexure being the amendments made by the Legislative Council to the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly and not agreed to by the Legislative Assembly be taken into reconsideration, and on such reconsideration this House do agree to the Bill as passed by the Legislative Assembly.

ANNEXURE.

- (i) In Clause 3, after sub-section (3) of the new section 2i, insert the following as sub-section (4) :—

“ (4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.”

- (ii) In clause 10, for the brackets, letter and words “ (f) waste ”, substitute the following :—

“ (f) persistent and wilful waste.” ” ”

MR. CHAIRMAN :—“ The motion is—

‘ That the amendments specified in the annexure being the amendments made by the Legislative Council to the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly and not agreed to by the Legislative Assembly be taken into reconsideration, and on such reconsideration this House do agree to the Bill as passed by the Legislative Assembly.

ANNEXURE.

- (i) In Clause 3, after sub-section (3) of the new section 2i, insert the following as sub-section (4) :—

“ (4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.”

- (ii) In Clause 10, for the brackets, letter and words “ (f) waste ”, substitute the following :—

“ (f) persistent and wilful waste.” ” ”

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DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. Chairman, Sir, before the discussion proceeds at any length, I wish to make a statement on behalf of the Opposition. This is the first time under the Constitution that a question of this kind has arisen and it will be well for all of us to bear in mind all the relevant issues in whatever discussion that may follow hereafter. The Constitution is quite clear on the point that when a Bill has been introduced and passed by the Legislative Assembly and referred to the Legislative Council, the Legislative Council is seized of the matter and has an opportunity to offer its opinion and also to make such suggestions as it may consider necessary and desirable for the betterment of the very purposes for which the Bill was introduced. The passing of amendments by the Legislative Council is therefore not a thing contrary to the Constitution and does not in any way connote any sort of difference or superiority complex assumed by this House in regard to measures that are being passed by the Assembly.

“ Sir, I have to make this statement because an impression has been created by the discussion that took place in the other House that probably the Legislative Council was trying to interfere with the prerogative of the Assembly. The article under which we are acting clearly mentions that it is the Legislative Assembly that is the ultimate authority for the passage of Bills and if, in the opinion of the Legislative Assembly, the amendment that has been suggested by the Legislative Council is not acceptable, the Assembly has the final voice in regard to that matter. Now we all realize that position and we all know that in this particular matter, the Legislative Assembly having passed the Bill, whatever opinion may be expressed here, the Bill as finally passed by the Assembly for the second time will become law under the circumstances. Some hon. friends may however remark: ‘ If that is the case what is the object of amendments being passed by the Legislative Council? ’ I have an answer to that and I hope my friends in the Council who participated in the debate and who pressed for the acceptance of the amendments will bear with me when I say that having passed those amendments we have certainly achieved two fundamental things. The first is, I hope and believe, we have made the Government realize that there is an opposite point of view that they must bear in mind in the working of this Act. That I think is a very good thing indeed for the Government to know. The second is, if at any time there should be any question of amendment to this Act, the opinion of the Legislative Council as expressed in these amendments will necessarily be taken into consideration. Whether it is accepted or not is another question. So in regard to these questions, I think it is right that the Legislative Council should express its opinion, unbiassed and free from any sort of mental reservation as to the sort of attitude that may be adopted by the Assembly which has undoubtedly the final voice in the matter. The Legislative Council is not intended to

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merely dot the 'i's and dash the 't's of any legislation that has been passed by the other House when it comes to this House. It is a fundamental point, therefore, that the Council should retain its right and should without any offence to the other House make its position quite clear in regard to these matters.

“ There is another matter, Sir, which I should like to place before the Government. I have already referred to it in my speech during the debate on the Budget. I wish the Government should take advantage of Article 196 with regard to legislative procedure. Except in the case of money Bills, there is provision for the Government to introduce other Bills in the Legislative Council. I do feel that at least in the case of some of these Bills, it would perhaps be better for the Government to introduce the Bills in this House first and have the discussion with the smaller number of Members, where all points of consideration will be brought to bear on the different clauses of the Bills that are introduced. I think it will be an advantage not only to the Government but also to the Council to have such a discussion. I do not suggest that where special committees may have to be constituted, it should be brought before this House. But I think all of us, whether we are in the Legislative Council or in the Legislative Assembly should try to realize that our duty is to the public of the country and there can be no question of anybody assuming a higher or lower status in regard to these matters.

“ Having said this, Sir, let me state that I do not propose to raise objections or vote against the motion that has been moved and so far as I can say, there will be very few speeches on this matter from this side except for one or two hon. Members who may have points for clarification.”

* SRI K. BHASHYAM :—“ Mr. Chairman, Sir, the position that was taken by the Hon. the Leader of the Opposition has relieved me of some embarrassment which I had, because of the support I gave to the amendment. However it is necessary for me to make my position clear when the matter has again come up before the Council for consideration. The speech made by the hon. the Leader of the Opposition suggesting that Bills which are not money Bills should come up before the Council in the first instance is the same as the appeal made by me while we considered this matter. If Bills are introduced in this House, in the first instance, the Assembly will have the advantage of having the opinions of the Members of this House, which they can take into consideration while passing legislations. I hope the Hon. the Leader of the House will take that to heart and see that at least hereafter such Bills are brought here in the first instance.

“ As regards the matter under discussion itself, I have a complaint to make against the statement made by the Hon. Mover of the Bill in the Assembly. Sir, the Assembly was told by the Hon.

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Mover of the Bill that there was already provision in the Bill in respect of this matter, namely, that Hindus only can enter the temples under the new section 21 introduced by Clause 3 of the Amending Bill of the Act. I think it is not correct to say so. That point was not made quite clear here so that Members could

11-50 understand what the point of view of Government was. I think the a.m. Hon. Mover was not quite fair in saying so, as an impression has gained ground that, as a matter of fact, the Council made the suggestion contained in the amendment without any necessity therefor. The other day I supported the amendment moved by the hon. Member Sri K. Balasubramanya Ayyar, though I belong to the party in power, as I felt the necessity for the amendment. As I said previously, now that the hon. the Leader of the Opposition has made the position clear, I am saved from embarrassment. Still, I wish to point out one important factor. The proposed section 21 (1) says, 'The Commissioner, Deputy Commissioner, Assistant Commissioner or such officers or servants of a religious institution as may be authorized by the Commissioner, Deputy Commissioner or Assistant Commissioner in this behalf, shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred, or discharging any duty imposed, by or under this Act.' Here I wish to point out that the persons entitled to enter the premises need not be the Commissioner, Deputy Commissioner or Assistant Commissioner, as any person authorized by these officers will also be entitled to enter the premises of a religious institution. It is very necessary that we must bear this point in mind. Sir, it may be said that there is section 9, which says, 'The Commissioner, every Deputy or Assistant Commissioner and every other officer or servant appointed to carry out the purposes of this Act . . . shall be a person professing the Hindu religion . . .' This will be quite all right if only the persons employed in the department are allowed to enter the premises of a religious institution. But this is not the case. I shall presently explain that there is a certain amount of ambiguity which we must rectify. Sir, let me read the proposed section 21 (3) which says, 'In entering the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2) shall, if practicable, give notice to the trustee and shall have due regard to the practices and usages of the institution.' What happens if the police officer is not a Hindu? The police officer referred to here may as well read the words 'if practicable' with the words 'shall have due regard to the practice and usages of the institutions'. Though these words are meant to be read with the words 'give notice to the trustees', even some Judges may read those words with the words 'shall have due regard'. Such a contingency cannot be overlooked. That is why I have, even on a previous occasion, explained the need and

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necessity to suitably amend this clause so that there may not be any room for ambiguity. Though the principle underlying the amendment is acceptable, I do not know why the amendment itself which seeks only to clarify the position and remove ambiguities is not acceptable. I only wish to say in this connexion that if the amendment is accepted the position could be made clear and there will be no ambiguity."

* DR. V. K. JOHN :—" Mr. Chairman, Sir, I was one of those who felt gratified when this Bill was passed into law with a few amendments. Now that the Bill has come back without the Assembly's acceptance of those amendments, the hon. the Leader of the Opposition has made a statement on the floor of the House. I only wish to dwell on one or two important matters. I regret very much to state that the Hon. the Minister for Religious Endowments, who moved in the other House that the amendments passed by this House should not be accepted was not very courteous to this House. Of course, the Hon. Sri Parameswaran is incapable of being deliberately discourteous. But, he stated that it was only a snap vote that was obtained in this House and he expected the Mover of the amendments here to withdraw them."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, may I know whether we can discuss the proceedings of the other House? I think we have to discuss the amendments and what exactly happened inside the other House should not be referred to on the floor of this House. I think that is the convention which we have been following."

MR. CHAIRMAN :—" A passing reference can be made though we cannot discuss what actually took place in the other House."

DR. V. K. JOHN :—" Sir, I agree there must be a convention . . . "

* SRI K. BHASHYAM :—" Even in the present case in which the amendments suggested by this House have not been accepted by the other House and have been sent back to this House, is it your ruling, that the proceedings of the other House should not be referred to here? "

MR. CHAIRMAN :—" I did not say that it should not be referred to here. I said that a passing reference can be made here though we cannot discuss the full proceedings of the other House here."

* DR. V. K. JOHN :—" Sir, I agree that we must establish certain conventions. There may be *bona fide* difference of opinion between this House and the other House. But the Hon. Minister who moved a motion in the other House that the amendments passed by this House may not be accepted by the other House

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should not have said that the amendments were carried in this House by a snap vote and that he expected the Mover of the amendments to withdraw the same."

* THE HON. SRI B. PARAMESWARAN :—" Sir, in the other House I only said that it was not proper on my part to discuss the circumstances under which these amendments were passed in the Council. I have not used the words ' snap vote ' and all that was said by the hon. the Deputy Leader of the Opposition. If he wants, he may refer to the official proceedings and see for himself what I have stated in the other House."

* DR. V. K. JOHN :—" At any rate, that is what the papers have reported."

* THE HON. SRI C. SUBRAMANIAM :—" That is the whole trouble."

* DR. V. K. JOHN :—" In the papers, it was reported that the Hon. Minister expected the amendment to be withdrawn by the Mover. So, he felt that it was only a snap vote. Whatever it is, it is good we establish certain conventions. I only wish to emphasise that the Hon. Minister who moved the motion in the other House that the amendments passed by this House should not be accepted, should have referred to this House in respectable terms.

" Sir, there must be a second convention also. The Hon. Leader of this House should have put before the other House as best as he can, the reasons which prompted this House to pass those amendments. Sir, I am very sorry I have not seen in the papers any explanation by the Hon. Leader of this House or anybody else, to the Assembly as to the reasons why this House passed those amendments."

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noon.

MR. CHAIRMAN :—" That would be improper."

* DR. V. K. JOHN :—" What I say is that somebody should have explained in the other House the reasons why the amendments were accepted here."

MR. CHAIRMAN :—" That is not necessary."

* DR. V. K. JOHN :—" In my opinion, it is necessary that the Leader of the House should mention all this in the other House."

MR. CHAIRMAN :—" I do not think that it is necessary. The hon. Member need not waste his time on this question. He may speak on the Motion before the House."

* DR. V. K. JOHN :—" I sincerely feel that the Leader of the House should represent the viewpoint of this House in the other House."

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* **THE HON. SRI M. BHAKTAVATSALAM** :—“ Sir, I appreciate the very fine sentiments expressed by the Leader of the Opposition in this matter. I entirely agree with those fine sentiments. But the hon. the Deputy Leader of the Opposition referred to certain acts of omission on my part as Leader of this House. I would like to point out in the first instance that if I am a Member of this House, I am here as a representative of the Legislative Assembly and the Legislative Assembly is my constituency. And then, if I am the Leader of the House, I am Leader of the House as a Member of the Government and I must, therefore, reflect the views and policies of the Government in the matter. The Government's attitude in this matter was that they did not accept the amendments and as you have very rightly pointed out, the Leader of the House cannot be burdened with this onerous responsibility of stating in the other House the background and the reasons that prompted the Mover of the Amendments to move and press them to a division in the Council.”

* **SRI K. BHASHYAM** :—“ Was it not possible for the Leader of the House to wait until the proceedings of this House were got ready and then take the matter before the Assembly for discussion so that that House might have had an opportunity to know the mind of the Members of this House? ”

* **THE HON. SRI M. BHAKTAVATSALAM** :—“ I do not think we should wait until the proceedings of the House are printed and placed before the Members of the Assembly. We need not wait so long before taking the matter to the Assembly.”

SRI MAHOMED USMAN :—“ Sir, while we realise the necessity for the amendment, we should not forget the most important fact that the Ministers are responsible to the Lower House. What I wish to point out is that instead of continuing this controversy, we should accept the resolution of the Government moved by the Hon. the Minister for Charitable Endowments so that the whole thing might be amicably settled and the controversy not prolonged.”

MR. CHAIRMAN :—“ Hon. Members will hereafter speak on the motion before the House.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, the question of observance of parliamentary practice has been raised and the Leader of the House has been asked why he did not do a certain thing. Sir, this is the practice obtaining in the Parliament of England. If there is a difference of opinion between the House of Commons and the House of Lords, it is not the duty of the Prime Minister to go and explain in the other House the reasons why the Government took up a particular line of argument. If the House of Lords holds an opinion contrary to that held by

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the House of Commons, it is the duty of those Members of the House of Lords who hold that opinion to go to those Members of the House of Commons who hold a similar opinion and ask them to raise the issue in the Commons and buttress their arguments. Here we are going away from sound parliamentary practice when we try to blame the Leader of the House for not having discharged a duty which is not his to discharge. I would suggest that we in the Opposition should probably get our views better known to some of the Members of the Assembly who are inclined to sympathise with our view-point and try to carry conviction through them to the other Members of the Assembly. I entirely agree with the hon. Member Sri Usman that this should not be considered a serious controversy between the Members and the Leader of the House, who have both the good of the country and the people at heart."

* DR. V. K. JOHN :—" Sir, probably the Leader of the Opposition was not aware that this Bill was passed at 5 p.m., that is, late in the afternoon and the same night it was placed before the Assembly. Under such circumstances, the Members of the other House had no opportunity to know why the amendments were accepted or how they were accepted. So, somebody in the other House should have mentioned all this, preferably the Leader of this House."

MR. CHAIRMAN :—" Discussion should be confined to the motion."

* SRI G. KRISHNAMOORTHY :—" Sir, I wish to confine myself to the amendments that have been rejected by the other House. The first amendment says :

' Nothing in this section shall be deemed to authorise any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof '

It has been argued that there is already a provision to the effect that the usages of the Hindu temples and maths should be observed by those who enter the temples or the maths. It is not known whether the entry permitted by this law includes entry into the *sanctum sanctorum* also. Let us assume that it includes that. Now the law, as it stands and as was very rightly pointed out by the hon. Member Sri K. Bhashyam, says that in case any difficulty is experienced by any officer in securing entry, the assistance of a police officer might be sought. Naturally, as has already been submitted by the hon. Member Sri Bhashyam, a police officer in a secular State can be a Hindu and there is every probability of his being a non-Hindu also. Even that non-Hindu has got to observe the usages of that temple or math, such as, for example, the removal of shoes at the entrance, etc. There is no provision here precluding such a person from being a non-Hindu. When

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the Government thus authorise a police officer to enter the temple or math and when they really think that the entry into the temple should be in strict conformity with the usages of the institution, what harm is there in there being a redundant provision by the addition of this amendment to the Bill? After all, we are seeking to make the law clearer. We are not so illiberal in the year 1954 as to say that our sisters and brothers of other religions should not enter such institutions. Articles 25 and 26 of the Constitution very clearly say that the Government can interfere only in cases of mismanagement of the institutions on the secular, economic and political sides. It is a private right conferred on the Hindus by the Constitution. Even in the case of our own houses, we have our own rights. Because the neighbour is our own friend, it does not mean that he can enter our premises without our permission at all hours. That he is our friend, is, therefore, a different matter. Entry is a private affair and we can allow him entry or deny him entry into our house. So, also, by use and convention, the Hindu religious denominations observe certain things. Even in the year 1954, under the authority of Articles 25 and 26, the Hindus as a whole, have the right to say that certain people should not enter their institutions under certain conditions. So, it is not on account of any illiberal motive in these liberal days that the Hindus say that this is a right conferred on them and exercised by them for generations. There is no harm in the provision being redundant, especially when it is capable of avoiding future litigation.

“ Coming to the second amendment, the term ‘ waste ’ is sought to be changed into ‘ persistent and wilful waste ’. It was very rightly pointed out by the hon. Member, Sri K. Bhashyam, the other day that ‘ waste ’ is a thing which cannot be defined easily. He just instanced the case of a madathipati presenting a shawl to some person and the Commissioner viewing it as a waste. That is the reason why we tried to keep the words ‘ persistent and wilful ’ in the provision. We want the administration of temples and maths to run smoothly. The madathipati has got his own right. He can just do certain things in the interests of the math. What is considered to be in the interests of the math by the madathipati may not be considered to be so by the Commissioner. What is considered waste by somebody need not be considered so by somebody else. What is ‘ necessity ’ for one might be a waste for others for all conscientious purposes. So it is better to be clear in law. These maths and temples were established not to be mere religious institutions but as centres to spread good social conduct and behaviour. The renovation of a particular math may help so many people in the field of arts, crafts and literature. The presentation of a shawl may help someone in the field of learning.

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12-10
p.m. " Now the engagement of, say, a piper or a drummer may just help to promote art. But these things may just appear to be luxurious in the eyes of the Commissioner. Therefore only in order to prevent any clash of views between the Commissioner and the religious head, who has been held in glory for the past thousands and thousands of years we have made a provision like the present one. Is there not a possibility and will there be not an occasion when a conflict may arise between the religious head and the Commissioner as to what is a waste, what is a necessity and whether what has been done for the sake of furthering the advancement of a religious institution by the religious head is a necessity or waste? We say there should be some sort of correspondence between the Commissioner and the head of the religious institution as to whether a thing which is considered a necessity by the religious institution is a necessity or waste. Even in spite of the instructions or advice of the Commissioner saying that a particular thing is a waste and that such sort of waste should not occur, if the head of the religious institution wilfully allows that waste, then we say that upon that 'wilful waste' the Commissioner can take action and can go to a Court of law and establish his case to remove the head of the institution. Some allowance should be given for the head of the religious institution to prove that the expenditure he has incurred with reference to a particular thing is not a waste. He must be given an opportunity to convince the Commissioner of the Hindu Religious Endowments that the expenditure he has incurred is not a waste. Only when the head of the religious institution wilfully flouts the Commissioner's words, should action be taken against him. That is why the present amendment, wherein it is stipulated that only when 'wilful and persistent waste' is proved, could action be taken against the concerned, is a correct one.

" In view of what I have stated I am convinced that hon. Members of this House will stand by the amendments and not go back."

* SRI A. M. ALLAPICHAJ :—" Mr. Chairman, Sir, it is very difficult and also sometimes very unpleasant especially when we have to differ very strongly with men who are really very cultured and very much experienced.

" Sir, we are now governed by our Constitution. The Constitution of India is our Bible. Under the Constitution the dignity of man is established. Every Indian, whether a Muslim, Hindu, Christian or Jew, whoever he may be, to whatever class or following he may belong, under the Constitution, he is treated as a pure man and a good man. My learned Friends have also to realize that under our Constitution, untouchability has been abolished—not only untouchability of Harijans but untouchability in whatever

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form it may exist. You might have been aware, Sir, that some years back, before the advent of our Independence, people were crying in railway platforms 'Hindu Pani, Muslim Pani' and things like that. All these disgusting features have been abolished by our Constitution.

"This amendment even though it may appear to be simple in form is not really simple. It is a dangerous innovation. In the Preamble to our Constitution, it is said:

'We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic, and to secure to all the citizens justice, Fraternity assuring the dignity of the individual and the unity of the Nation.'

I am not very particular whether non-Hindus are permitted to enter Hindu temples or not. That is not the question with which I am concerned. Our Constitution says every Indian, be he a Muslim or Hindu is a pure man. Ours is a secular State. The only thing we have to remember is that it is the duty of every Indian to respect the religious sentiments of his brethren. I am a Mussalman. It is my duty to respect the sentiments of my Hindu brother; I must respect his customs and manners. In the same way it is the duty of my Hindu brother to respect the customs the manners and the religion of Muslims. That is the idea, the spirit and the real object of our Constitution. When that is the broad principle on which our Constitution is based, my friend comes and says 'Non-Hindus should not enter Hindu temples'. What is the idea behind it? Perhaps the idea is that non-Hindus are untouchables and because they are untouchables they should not enter Hindu temples. That sort of untouchability should go.

"We have attained freedom. That freedom is there to establish the dignity of man. That dignity of man should not in any way be affected. Therefore the amendment should not be accepted. The only thing that a Muslim or Christian has to do whenever he enters a Hindu temple, is to remove his shoe and clean his feet and then enter the temple. But to say that because he is a Muslim or a Christian he should not enter a Hindu temple, is forgetting the dignity of the individual guaranteed by our Constitution.

"With these words I resume my seat."

SRI MOHAMED RAZA KHAN:—"Mr. Chairman, Sir, it has always been my principle that on matters pertaining to the interests of a particular community it is much better that we do not talk. Some of my friends, viz., the Hon. Sri Parameswaran, the Hon. Sri M. Bhaktavatsalam, the Hon. the Raja of Ramnad and the Hon. the Chief Minister, may be aware that we, the Muslim members, decided even during the discussion in the last Assembly that inasmuch as almost all the Muslim members were in the Opposition it would be much better if we did not

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participate in a discussion wherein the interests of a particular community were discussed. We arrived at that decision because whatever one of us might say, even though it might be with the best of intentions and with a sincere motive, it was very likely to be misunderstood and misinterpreted. Therefore it is a wholesome principle and I still value it and maintain that we should not talk on this particular point.

"I quite appreciate the sentiments expressed by my hon. Friend, Sri Allapichai. But Sri Allapichai should not forget the other side of the picture. Facts are facts. We cannot ignore them. May be after twenty or twenty-five years, views may get changed and what Sri Allapichai visualises to-day may happen then. But to-day when we have before us a Bill, we have got to face the facts. I should like to say on behalf of the Opposition and also two or three members on the other side, who even though they belonged to the Congress side voted for the amendment—there was no breach of discipline in what they did—and that we appreciate the amendment that has been passed by this House. It may be the right of every individual to do what he feels. I do not question that. But I say that the passing of the amendment is what even a Muslim or Christian would like. Surely a Muslim or Christian officer would not like to place himself in the embarrassing position of an inspecting officer of a temple and that too a Hindu temple, when the possibility is there that whatever he might do might be misconstrued by the large mass of the Hindu community. We have got to face the facts and the realities of the situation. Sometimes what even a single Muslim might say would affect the entire community. The picture is all the more aggravating when a Muslim or Christian has got to say anything against a Hindu temple. That is why I say in the interests of the non-Muslims themselves it is better that the amendment is there which says only Hindus can enter the temples as inspecting officers. I say it is a very wholesome and good principle that only Hindus and no non-Hindus are allowed to enter the *sanctum sanctorum*. They, the Hindus have got their own religious motives and they are quite correct in trying to maintain those principles which they hold dear to their hearts.

"The hon. Member, Sri Allapichai, says that there should not be any discrimination between a Hindu and non-Hindu in the matter of inspecting officers. But Sri Allapichai should know that the Act itself contains a discriminating provision that only a Hindu could be the Commissioner for Hindu Religious Endowments. No Muslim could be a Commissioner. I am a Muslim. Of course I am not going in for jobs now. But I would very much appreciate if the Hon. Minister for Religious Endowments or the Hon. the Chief Minister could now bring in an amendment allowing a

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Muslim to be a Commissioner, so that there will be a possibility of my aspiring for it sometime later (Laughter). But that cannot be."

SRI K. BALASUBRAMANYA AYYAR :—" A Muslim can be the Minister in charge of the Hindu Religious Endowments." 12-20 p.m.

SRI MOHAMED RAZA KHAN :—" The Act contains a provision that the Commissioner, Deputy or Assistant Commissioner and every other officer shall be a person professing the Hindu religion. That provision embodies a very good principle. In a matter like entry into a Hindu temple, particularly into the *sanctum sanctorum*, it is good that that principle is strictly observed.

" To-day's discussion here both on the Government side and on the Opposition side has been of a very high level and I hope this instance will be quoted as a precedent whenever occasion arises. There is no clash of interest between the Assembly and the Council. We know the difficulties and our responsibilities. We did what we honestly felt to be right in making the amendments. I do not like to say anything against the Hon. Sri B. Parameswaran. After all, he did his best to pilot the Bill. It would have been all right if the Minister had simply told the other House 'Here are two amendments which the Legislative Council thought necessary and passed. It is for you to do what you like with them' and stopped there. But, according to Press reports, he seems to have added that the amendments were carried by a snap vote. But the Minister denied having made any such statement. If really the Madras newspapers have become so defective that they always report incorrectly the Minister's speech, I accept that position! But I know that the Madras newspapers have earned a reputation all over India for good reporting and they have no reason to ascribe to the Minister something which he did not say. The Minister seems to have pointed out also that there was no need for the first amendment at all because the proposed section 21 (3) contained the substance of that amendment. This amounts to saying that the Council has done something which is either superfluous or unnecessary. My objection is to the Minister making such a statement who, though he is a Member of the Assembly, participates in the discussions in the House in his capacity as Minister. Apart from this, I take strong objection to a Bill which was passed by this House at about 5 p.m. being sent up for consideration by the other House which was convened to meet at 10 p.m. that very day."

THE HON. SRI M. BHAKTAVATSALAM—" It is for the Assembly to have raised this objection. It is not for this House to raise that kind of objection."

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SRI MOHAMED RAZA KHAN :—“ The Hon. the Leader of the House said that he was speaking as a representative of the Assembly. I as a representative of the Assembly, am also saying that the Assembly was not given enough time to have an idea of what transpired in this Council.

“ Whatever has happened has happened. In future at least we should set up a convention and see that such instances do not occur. Our object also is to help the Government and see that the Bills, when they emerge from this House, are as perfect as possible. Defects have been found out in the course of the working of several Acts or have been pointed out by the Courts. Our object is to see that the Bills are made as perfect as possible so that there may not be any need for amendment in future.”

* SRI T. M. NARAYANASWAMY PILLAI :—“ Sir, Mr. Allapichai has raised a difficulty. He wants the omission of the amendment passed by the Council so that even non-Hindus may be allowed to enter the premises of Hindu religious institutions, including the *sanctum sanctorum* and he relied for his position on Article 17 of the Constitution. In his view, if the amendments passed by the Council were omitted, non-Hindus would have a right under Article 17 to enter the premises of Hindu religious institutions, including the *sanctum sanctorum*. That Article says that untouchability is abolished. I think that untouchability exists only among the Hindus. The question now at issue is not between Hindus and Hindus but between Hindus and non-Hindus. Article 17 does not confer any right on non-Hindus to enter the premises of a Hindu religious institution, especially the *sanctum sanctorum* which is considered sacred by the Hindus. The Articles which govern this matter are Articles 25 and 26. Besides the other fundamental rights conferred by the Constitution, there is also the fundamental right of freedom of conscience and religion and freedom for every religion to manage its own affairs in the manner thought suitable and proper by the followers of that religion. Articles 25 and 26 read as follows :—

‘ 25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

‘ (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law,

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice,

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

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‘ 26. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes ;

(b) to manage its own affairs in matters of religion ;

(c) to administer such property in accordance with law.’

From this it is clear that even if the amendment passed by the Council is omitted and the Bill passed, the Bill casting a disability on non-Hindus to enter the premises of Hindu religious institutions or the *sanctum sanctorum* thereof is perfectly valid under the Constitution. The Hindu Law relating to religion does not entitle non-Hindus to the right claimed by the hon. Member, Sri Allapichai. This right of the Hindus is protected by Articles 25 and 26. Thus with regard to the section as it stands, i.e., without the amendment under discussion, it would appear that the right interpretation would be that no non-Hindu should be allowed access to the premises of a Hindu religious institution. Article 17 has no connexion with the subject-matter covered by the amendment passed by the Council.

“ My hon. Friend, Sri G. Krishnamoorthy, has raised a big issue over this modest Bill. He has given expression to the view that the Commissioner is going to rule over or tyrannise the madathipatis who have been held sacred for thousands of years. Nothing can be farther from the truth. I feel that there is a persistent attempt or desire to misunderstand the scope of this Bill. Even without this amending Bill, madathipatis can be interfered with, if they in violation of their obligation transgress the limits and misbehave. This Bill does not introduce anything new. If we compare the present legislation with the provisions of the Act of 1926, we will find that the present legislation is not much more stringent than the Act of 1926. In 1946, a Committee was appointed to go into this matter. I was a member of that Committee and Sri R. V. Krishna Ayyar also was a member. The provisions of this Bill relating to madathipatis are very much less stringent than the recommendations made by that Committee whose recommendations have been passed into law in 1946. The members of that Committee might be said to have been as pious, as anxious and zealous to maintain the prestige of madathipatis as the hon. Member, Sri Krishnamoorthy, is. If certain restrictions were considered necessary, it was not because the members did not respect the madathipatis or realized their sanctity, but because they considered them necessary in the interests of the continuance of the observance of the religious practices. When the provisions of the present Bill are very much less stringent than the provisions actually on the Statute Book, I fail to understand the argument that this Bill is brought forward for the first time to interfere with religious practices. We

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are only enacting what has been in existence from 1925 and what has been enshrined in the decision of Courts. There are cases where madathipatis have been removed unceremoniously. A madathipati has been removed by a judgment delivered by Dr. M. R. Jayakar.

2-30 p.m. “ That judgment was under section 92 of the Civil Procedure Code; the section in the present Act is 58 which corresponds to section 73 of the old Hindu Religious Endowments Act which gave those powers. So it is not a question whether we are really making an illegal encroachment. But the question is whether it is expedient or desirable in the circumstances. There are no doubt two views. One view is that there should be no interference with the madathipatis because they are something sacred. On the other side, the Commissioner comes and says ‘ Here are abuses which have resulted in waste and misappropriation. These institutions merely exist for glorification and do not at all advance the purposes for which they exist ’. Between these two views, the Legislature has taken a very reasonable and modest view, that is the view sanctioned by the highest judicial Tribunal as enunciated in the Shirur Math case. What is now required is wholesale co-operation with the Government to carry out the good purpose of the Act and not to create obstacles in the way of our realizing the ideal. Now regarding the amendment, viz., introducing the words ‘ persistent, wilful and continuous ’, I do not want that the words ‘ persistent and wilful ’ should be added to the expression ‘ waste ’. The word ‘ waste ’ is a legal expression. Even if we say ‘ persistent and wilful waste ’, what is not a waste cannot become a waste. If it is a waste, notwithstanding our saying ‘ persistent and wilful ’, it is a waste calling for action by the Council. If there is any confusion, I will make the point clear. I shall approach the question from the standpoint put forward by one hon. Member. The presentation of shawls to learned Pandits on the occasion of a religious discourse can never be a waste. He must be a mad Commissioner who thinks it is a waste. There was never a mad Commissioner in our State. So, let not such questions deter us from considering the question in the manner in which it ought to be done. The presentation of any number of shawls to learned Pandits cannot confer any jurisdiction on the Commissioner or entitle him to remove the madathipati or pass any order as he likes. In this connexion, I am reminded of some observations made by the hon. Member, Sri K. Bhashyam. He thought that the Department should not be for the glory of the Commissioner.”

SRI K. BHASHYAM :—“ You are using your own words! ”

SRI T. M. NARAYANASWAMY PILLAI :—“ Sir, I prefer to use the words of the hon. Member himself. He said ‘ What is the use of this Department if a Commissioner is able to enter into the temple with hat, boots and so on ’ ? ”

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* SRI K. BHASHYAM :—“ One word of explanation, Sir. I never said anything about the Commissioner. I only referred to the officers lower down.”

* SRI T. M. NARAYANASWAMY PILLAI :—“ Sir, if the subordinate officers commit such small misdemeanours, the remedy is there. They can be easily removed. Therefore, nothing can be said against the department. The only question is whether this department has achieved something since it came into existence or whether it has undermined or violated the spirit of the religion. Has it not contributed to the promotion of religion and the charitable instincts of the people? My hon Friend himself will agree with me that there has been tangible improvement. I am not going to say more. Even if hon. Members are not agreeing with me, I can say that there has been no retrograde movement. There has been continuous progress, very halting no doubt but at the same time steady. The administration reports of the last 20 or 25 years will amply bear out my statement. But, what is the alternative? Can the alternative be that we remove this statute and allow these institutions to administer themselves without any control? Will that be conducive to the benefit of the public? Will that be conducive to the welfare of our people? Well, what is our previous experience? In 1842, the Government withdrew the religious control. From 1817 to 1842 there was the old regulation passed by the Government and even persons like Sir T. Muthuswami Ayyar thought that it was the most beneficent reform. It was that which prevented waste and misappropriation. It was that which has endeared the Government to the people. From 1842 to 1863 there was nothing. In the course of those 21 years, the whole properties of these institutions were wasted and misappropriated. There was then an all-out-cry, even from those who were against control, for some enactment. Then the Act of 1863 was passed. It was found inadequate in certain aspects. I could re-call to my mind so many Bills, the Bills suggested by Sir Muthuswami Ayyar, Sri Rama Ayyangar, etc. Everybody wanted the constitution of some authority to control, regulate and administer these institutions. Behind the Bill of 1927 was the brain of Sir N. Gopalaswami Ayyangar. He was then the Secretary of the Department. So that is the history of the legislation. But now to come and say that this has worked havoc or it interferes with the rights of the madathipatis is a thing which I cannot understand. As I said earlier, I am religious and I claim to be religious. I may be wrong and I may be at fault. Though towards the religious institutions and the madathipathis, I adopt a very pious attitude, it is my earnest desire that they should be brought into line with the progressive spirit of the times and they should play their part in remodelling our society in accordance with the provisions of the Constitution and in accordance with the fundamental rights, viz., equality, justice, etc. Can we allow these madathipatis to remain as isolated agents unconnected with public

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life and unconnected with society? Should they not follow within their limits the ways the missionaries are doing? They should come into contact with the public and try to reform them, purify them, elevate them, ennoble and sublimate them too. That is my anxiety. I again appeal that there should be the utmost co-operation from all so far as the administration of these institutions is concerned. If there are any defects, they will get themselves cured. My anxiety is that religion should occupy its proper place. Therefore, I have no serious objection to the amendments."

* SRI K. BHASHYAM :—" Sir, one word by way of personal explanation. Of course, in my speech I did say that some officers did not conform to the usages and customs of the institution. I have seen this with my own eyes. I even represented to the Commissioner. I never meant that the Commissioner was doing like that. He has got more sense than that. Persons in charge of maths or Executive Officers do not conform to the usage obtaining in the institution. I also pointed out to the Commissioner that as a matter of fact these people have gone beyond the usages and customs of the institutions. It is only to induce a spirit of piety that I wanted to impress this fact. But I do take strong objection to certain provisions which unduly interfere with persons who are heads of maths. I do maintain it even to-day in spite of all that has been said."

12-40 SRI V. CHAKKARAI CHETTY :—" Mr. Chairman, Sir, I
P.m. heartily concur with the amendment which says—

' Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.'

This amendment wants that non-Hindus should not be allowed into the temples. I accept it not because it is favourable to Hindus but it is also in conformity with the views of many non-Hindus. There are many Christians who refuse to enter the temple for the reason that they have to remove their shoes and offer worship with bended knees. Once my Hindu friends had me forcibly taken to a temple although I had been unwilling to go there. They said that though I was a Christian I could go and see the temple and they took me to the *sanctum sanctorum*. I do not know why they have used that Latin expression which applied to certain institutions which existed many thousands of years ago. The Jewish temple which used to be called Holy of Holies is expressed by that Latin term '*sanctum sanctorum*'. Perhaps that expression was used by a non-English knowing Judge. Sir, as far as Christians are concerned, they do not want to enter a temple or look upon an idol and therefore, it seems to me that it is right that non-Hindus should not be allowed to enter the temple which is sought to be provided in the amendment."

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* THE HON. SRI B. PARĀMESWARAN :—“ Mr. Chairman, Sir, after hearing the most dignified and reasonable speech made by the hon. the Leader of the Opposition, I thought that the discussion on this Bill would be over within a few minutes but unfortunately the speeches made by my hon. Friends Dr. V. K. John and Sri Raza Khan have prolonged the discussion and several hon. Members spoke on the importance of the amendments. Sir, with regard to the general observations made, I want to say that only one point is not quite clear. I did not cast any aspersion on any hon. Member of this House when I spoke nothing but the truth. When the discussion on the amendments were going on and when I actually explained the position, the hon. Member Sri K. Balasubramanya Ayyar wanted me to see that at least the spirit of the amendments was carried out at the time of framing the rules and he was quite willing to accept my explanation. As a matter of fact, I think, he used the words ‘ I am prepared to withdraw ’. It was only when the hon. Member Sri K. Bhashyam got up and said, ‘ Why do you want to withdraw your amendments, and is it because they will have to go to the Lower House for approval? ’, that Mr. Balasubramanya Ayyar pressed his amendments to the vote of the House. (Interruption from the Hon. Sri C. Subramaniam.) Since my Colleague says that I need not go into the question, I do not want to refer to it any more. But I want to refer to one other matter only. To the charge that I have not correctly interpreted the decisions of this House, I must only say that the very division in this House on these amendments is quite sufficient to prove that there was a difference of opinion here itself. It was only as a result of the difference of opinion that there was a division.

“ As regards the introduction of section 21 (3) in this Bill, I have already explained the position and I do not want to say anything further in respect of this matter. With regard to the other amendment, I do not see any reason why the words ‘ persistent and wilful ’ should be added in clause 10. I have nothing more to say on this matter and I request that the Bill may be passed into law.”

MR. CHAIRMAN :—“ The question is—

‘ That the amendments specified in the annexure being the amendments made by the Legislative Council to the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly and not agreed to by the Legislative Assembly be taken into reconsideration and on such reconsideration this House do agree to the Bill as passed by the Legislative Assembly.

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[Mr. Chairman]

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ANNEXURE.

(i) In clause 3, *after* sub-section (3) of new section 21, *insert* the following as sub-section (4) :—

“(4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.”

(ii) In clause 10 *for* the brackets, letter and word “(f) waste”, *substitute* the following :—

“(f) persistent and wilful waste”.”

The motion was carried.

(3) THE BHAVANISAGAR TOWNSHIP BILL, 1954 (L.A. BILL No. 28 OF 1954).

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Chairman, Sir, I move—

‘ *That the Bhavanisagar Township Bill* * 1954 (L.A. Bill No. 28 of 1954), *as passed by the Assembly, be taken into consideration.*’

Sir, the House is probably aware that the Lower Bhavani Project in the Coimbatore district is nearing completion. The project estimates are expected to be closed by February 1955. For the execution of this project, a large number of staff had to be employed and they had to be stationed at Bhavanisagar, and many buildings were constructed for the purpose. A colony thus sprang up at Bhavanisagar Headworks in course of time. The colony consists almost entirely of departmental staff, job workers and labourers employed on the execution of the Lower Bhavani Project. The sanitation, health, water-supply, housing, lighting and roads in the colony have been provided by the Public Works Department and the administration of the colony is now in the hands of the Executive Engineer, Lower Bhavani Project Headworks.

“ The question of utilizing the buildings and quarters that would become surplus to the requirements of the Public Works Department, when the project is completed, is separately engaging the attention of the Government. Whatever use the vacant buildings may be put to, there will still be a large number of people residing in the colony for whose benefit some sort of local administrative body would be necessary. The area is at present under the jurisdiction of two panchayat boards, and it will not be desirable to have the administration of the colony under such dual control. Moreover, many of the buildings are likely to be in the occupation of Government departments and Government staff and it is rather unnecessary and inappropriate that a Government colony consisting almost entirely of Government land and property should be under the administration of a panchayat or panchayats especially in the

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early stages, before permanent non-official settlers come to the place and establish themselves. Administration by trained officials is, therefore, desirable under the circumstances.

“ Section 3 (2) of the Madras Village Panchayats Act, 1950, empowers the Inspector of Municipal Councils and Local Boards by notification, to exclude from a village panchayat, any revenue village comprised therein. But in regard to any village so excluded, it is obligatory on the Inspector to take action to constitute a panchayat in accordance with section 3 (1) of that Act. There is no provision in the Village Panchayats Act, which enables the Inspector or Government to exclude any local area from the jurisdiction of a panchayat unless such excluded area is itself to be constituted into a panchayat.

“ The question of amending the Village Panchayats Act, 1950, to provide for the exclusion of such areas from the jurisdiction of existing panchayats without another panchayat being constituted for them is under consideration separately. But this proposed general legislation may take time to be passed, and it is considered that it would be preferable to have a separate Act for Bhavanisagar to establish a Township Committee there under Government aegis for administration by nominees of the Government, most of whom would be officials, on the model of the Mettur Township Committee. After the township has dealt with all the early problems and, if a number of non-officials settle in the area, the question of entrusting the administration to a non-official body may be considered.

“ Accordingly, it is proposed to undertake legislation to exclude the Bhavanisagar area from the jurisdiction of the two panchayat boards of Kuduvay and Thoppampalayam, from the area so excluded into a township and vest the administration of the township in a Committee.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be taken into consideration.’ ”

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* DR. V. K. JOHN :—“ Mr. Chairman, Sir, I welcome the constitution of Bhavanisagar into a township but I thought the Government would take the opportunity to implement article 40 of the Constitution of India which provides for the creation of local self-governing bodies. They should have constituted this township as a really self-governing unit of local administration instead of having provided for nominations, subordinate legislation and for removal of difficulties, three very objectionable provisions in the Bill. What they should have done is to constitute this township as a local self-governing body surcharged with the responsibility of promoting and establishing a Welfare State, that is, a State in which there will be no unemployment, there will be nobody without food, clothing, shelter, education, sanitary conditions of life,

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medical service, recreation or social securities such as provision for old age, for widows, for orphans, for unemployment, for sickness and others in need. This should have been constituted as a township which promoted a Welfare State within its jurisdiction. But, what do we find here? It has not been entrusted with this responsibility. It has not been constituted as a local self-governing body but as a local body to which will be applicable the existing provisions of the District Municipalities Act of 1920. I suggest, Sir, that the Government should have introduced a Bill and made a beginning with the Bhavanisagar Township as a real self-governing unit within the meaning of article 40 of the Constitution, giving it the largest powers of local administration. This, the Government have not done but, on the other hand, have provided in clause 3 for the nomination by the Government of two non-officials to the Township Committee. I am quite sure that the Hon. Minister who moved this Bill will say that the provision in the clause is only to the effect that two members shall be non-officials and it does not say that all the six members shall not be non-officials. But, we know what the Government will do. The Government will have a majority of officials on the Township Committee. Even here, I would suggest that these officials also should be elected and not nominated by the Government. The proper course which should be adopted by the Government is to leave the election of the members of the Committee in charge of the township to popular vote and not keep that power with the Government. This Government, instead of decentralizing power and authority, has always been for concentrating all authority in themselves and controlling everything.

“ Now, I say that the provision in clause 3 is objectionable. Even if they wanted Government officials to be members of the Township Committee, they should be elected. There should not be any restriction placed between a Government official and a non-official in being a Member of the Committee although I would prefer non-officials to be members of the Committee. I do not see any reason why the Government should nominate not only Government officials but also non-officials. I very seriously object to this provision.

“ Clause 4 is still more objectionable. It says the Government can legislate, that is, the Government can constitute themselves into a subordinate body for purposes of legislation. The Government can take out certain provisions of the District Municipalities Act of 1920 and make them applicable to this township by a mere notification in the *Fort St. George Gazette*. That means that the power of legislation is vested in the Government. Why should not the Government choose such of the provisions of the District Municipalities Act of 1920 and get them passed by the Assembly and the Council? Why do they want to reserve to themselves the power to legislate by notification for this township and to apply to it the various provisions of the District Municipalities Act of 1920 at their will and pleasure. I say this kind of subordinate legislation is most objectionable and the Government ought not to ask for such powers.

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“ The last provision which I want to criticize is the provision in clause 6 which provides for power to remove difficulties. From time to time, in the past few years after the Congress Government took over power, I have been noting that there is a clause in every legislative enactment providing for power to remove difficulties. This is very objectionable. What should have been done is that the Government should have taken power to make rules to carry out the object of the Act. What is the idea in having power to remove difficulties? The Government must frame the necessary rules with the approval of the Assembly and the Council. Instead of this, the Government have taken unto themselves this power and I say this is absolute nonsense. If any difficulty arises in giving effect to the provisions of the Act, the State Government may by order ‘do anything’. Why should not the Government reserve to themselves the power to make rules to carry out the purpose of the Act which is the proper provision in all enactments? This is what the Government ought to have done.

“ I submit that this Bill must be opposed first on the ground that it has not set up a really local self-governing unit as provided for in article 40 of the Constitution. The Constitution was passed in 1950 and we are now in 1954 and the Government have not made a beginning at all. Secondly, I object to it as it provides for all control being vested in the Government. The Government not only have power to appoint the Committee but also the power to apply the provisions of another statute by a mere notification, a most objectionable thing to do. Then the last clause is a meaningless one and no legislature ought to pass such a clause giving the Government power to remove difficulties and not the power to make rules to carry out the purposes of the Act. I condemn the manner in which this Bill has been brought forward.”

MR. CHAIRMAN :—“ The House will now rise and meet again at 2-30 p.m.”

(After lunch 2-30 p.m.)

* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, this Bill is introduced for the purpose of constituting a township for Bhavanisagar in the Coimbatore district. Already the Madras Village Panchayats Act, 1950, is in force in those villages which are mentioned in the Schedule. Now the Government want to constitute the villages mentioned in the schedule into a township. The first thing that Government should have done in a case like this is that they should have fixed a period of time for the Township Act to be in force. The constitution of a township is an intermediate step taken between the constitution of a panchayat and a municipality. I did expect in a Bill of this kind that a certain period of time would have been specified after which period the township would become a municipality. But the Government have not mentioned any such thing. On the other hand, the Government state that from time to time the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made

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thereunder or of any other enactment for the time being in force elsewhere in the State of Madras will be applied to the township. I think that procedure is wrong. They ought to have mentioned a period to limit the life of the township by which time the entire provisions of the District Municipalities Act or the provisions of the Madras Village Panchayats Act, 1950, might be allowed to operate.

“ As regards the constitution and the composition of the committee for administration of the township mentioned in clause 3 of the Bill, I wish to know why the Chairman of the Committee should also be nominated by the Government, and why should not the nominated members of the Committee be allowed to elect their own Chairman? Even the power of the nominated members of the Committee to elect their own Chairman has not been provided for in this Bill. The State Government according to sub-clause (2) of clause 3 of the Bill shall appoint one of the members of the Township Committee to be its Chairman. This is a privilege which the Executive Government should not take in their own hands. That is what I feel in this matter. Whenever Committees are appointed, they are given the power to elect their own Chairman a person in whom they have got confidence. If the Government appoint a Chairman and if afterwards differences arise between the members of the Committee and the nominated Chairman, there will be trouble. It will be better, more feasible and also conducive to the proper working of the Committee if the Chairman is allowed to be elected and not appointed by the State Government.

“ With regard to the power to remove difficulties, the Government have taken under clause 6 of the Bill wide powers. Clause 6 of the Bill states :

‘ If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.’

I do not understand what is meant ‘ by order do anything ’. Are they going to beat the people? Anything may become necessary! ‘ Anything ’ is not a word to be used at all in a statute. They should define something and not say ‘ anything ’. That is not good drafting. I do understand what they mean. They mean, by ‘ anything ’, ‘ whatever that is necessary for removing difficulties ’. However, one safeguard has been provided. Sub-clause (2) of clause 6 states that all notifications and orders made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly for fourteen days. After the mischief is done, they may place it before the Assembly and if the matter were to be raised during these fourteen days, the Government might say the whole thing was over and there was no need to revise the orders. My submission before the House is that this clause is so widely worded that it means very little. The provisions of this Bill require to be amended. Of course, amendments are of no use and we have fully understood and fully realized this fact. As I looked into the provisions of this Bill, I had all these things in view. But I purposely

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refrained from giving notice of any amendment. Even if Members of the Government are reasonable enough to accept any amendments we propose, still they will not accept them because they have to take them again to the other House for its approval. I appeal to the Government through you, Sir, that some of these provisions require to be amended. So far as the rules are concerned, there should be some provision by which the defects pointed out may be removed."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, this Bill may seem to be a very small measure. But I think we must take into consideration the possibilities of similar townships being created in the future and from that point of view this Bill will probably be a precedent. I myself feel that there are other places which require townships. Courtallam has been mentioned. (An hon. Member : ' A township for Courtallam has already been formed.') Townships for certain hill stations also are required. I want to raise this point that this Bill as it has been framed should not be considered a precedent to copy, very much like what we had in connexion with the Mangalore Port Trust Act, 1953, when some of us raised many, many kinds of difficulties and we were given to understand that everything would be done at the proper time if we did not obstruct the passage of that Bill. Now, even the difficulty pointed out by the hon. Member Sri K. Balasubramanya Ayyar is a very real one. We in this Legislative Council have to express an opinion on two factors when a Bill is presented, first of all on the substance of the Bill and secondly on the form of the Bill. I consider that the form of the Bill is just as important as the substance of the Bill because this Bill will be administered not necessarily by the present Ministry but by future Ministries, not necessarily by the present Minister in charge of it but by any other Ministers who may come in his place, and if the provisions of the Bill do not go well with the intentions of the Ministry, to that extent, the Bill, I must say, leaves something very much to be desired.

" Hon. Members Sri K. Balasubramanya Ayyar and Dr. V. K. John have referred to some of the provisions of the Bill. I also feel that a time factor should have been stated or a provision should have been made so that the Government may be in a position to bring before the Legislature any fact which may, in their opinion, necessitate a modification of this township form of administration stated in the Bill. But apart from that, I think I must confess once again that so far as the phraseology of the enactment is concerned, we have been repeatedly requesting the Government to see that steps are taken so that the enactments are put in proper legal phraseology—a phraseology that will not be liable to misconstruction by anybody else. I do feel that the expression . . . the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty ' could certainly have been put in in a more elegant manner. The least thing I can say is, rather than putting it in a way which gives an impression that it is a sort of dictatorial manner of disposing of the difficulties, the Government could have said, ' The State Government may take such measures as may be deemed necessary for the

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purpose of removing the difficulties.' After all the English language is a very subtle language and even the provisions of this Bill can be rendered innocuous in the public eye if a more reasonable statement is made. This is a matter which the Legal Department of the Government ought to take note of. I do not know what exactly is the position now. I take it that every draft Bill must go not merely through the department concerned but also through the Law Department for any necessary corrections to be made both in regard to the substance of the Bill as to whether it violates the Constitution as well as in regard to the form in which the Bill should be presented. That is a point that has been repeatedly emphasized from this side of the House. I shall once again request the Hon. the Leader of the House, the Hon. Minister in charge of the Bill and the Hon. the Minister for Law—of course he is not here just now—all the three of them to see that every measure that is brought in here, is brought in such a form as may in these regards not constitute, what some of us feel, a bit of an offence to the proper wording of the legislation. The hon. Member Sri K. Balasubramania Ayyar and the hon. the Deputy Leader of the Opposition, Dr. V. K. John have referred to a point that was referred to and discussed *ad lib.* this morning. I have only this to say that I am a firm believer in the utility of the Legislative Council and the more I have gone through the proceedings of the Legislative Council during the last seven years, the more I am convinced—whether the Treasury Benches are in a position to accept our suggestion or not—that our suggestion are worth acceptance at the hands of any Government because these suggestions come from a single desire to improve and not to contradict. It is on the basis that legislation should as far as possible be perfect that these suggestions are made. The ex-Chief Minister, Sri C. Rajagopalachari once said that it would almost appear as if the Legislative Council had got more competent lawyers than what the Government had at their disposal in matters pertaining to legislation. I do not want to express an opinion on that but from the trend of discussion I am led to feel that these matters require far more consideration. Possibly a Bill like this may not even go to the Cabinet as a whole. I am not here trying to go into the secrets of the working of the Cabinet in regard to legislative measures. In the olden days—I am referring to a period of 25 or 30 years ago—it would interest hon. Members to know that every Bill, whatever its nature and whatever its significance, was always placed before the Cabinet. Our esteemed friend Sri Usman would bear me out if I am wrong. No Bill would be permitted to be moved by the Minister concerned, unless the Cabinet as a whole has approved of the Bill. I do not know if such a provision exists now in the rules of procedure. (Interruption.) Probably the meeting is there but it may be a mere paper circulation rather than a business meeting.

“ Sir, there is one other thing that I would request the Hon. Minister to consider. In Clause 2, I am glad, provision is made for the placing of all orders passed under this enactment on the table of the Legislative Assembly and the Assembly can modify those orders within fourteen days. But I should like to ask: ‘Is it so

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very unnecessary or repugnant to the Government to consider the desirability of placing those orders simultaneously on the table of the Legislative Council and the Legislative Assembly, even if the Legislative Council is not asked to pass an opinion on the orders passed by the Government? I think it is only proper, when the Government bring the Bill before both the Houses that they do bring to the notice of both the Houses, the notifications and the orders passed by Government under that legislation. It may be that the Legislative Assembly may revise the orders on every subject. I am not going to that extent at this stage. I am only suggesting that it is not at all repugnant to the Constitution or to any rules or conventions (Interruption.) Well I am glad to have that assurance. But I am just suggesting that it is very necessary in all such cases to place the notifications and orders on the table of both the Houses. The Government should not get a legislation passed which authorizes the Government to place orders and notifications passed by the Government before one limb of the Legislature alone. Those orders and notifications should be placed before the Legislative Council also. I am not pleading on the ground of prestige but I say it is necessary to place all orders and notifications passed under an Act passed by both the Houses, before both the Houses. I would therefore request the Hon. Minister in charge of the Bill and also the Hon. the Leader of the House to consider all these points. Just as the hon. Member Sri K. Balasubramania Ayyar said, unfortunately the intricacies of procedure in regard to parliamentary practice do not permit of this smooth sailing of any amendment that may be made by this House. Therefore on a matter like this I am not moving any amendment, but I must express my views very firmly in the hope that, if not on this occasion at least on future occasions, the Government will take note of the sentiments expressed in this Council."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I should like to endorse what the Hon. the Leader of the Opposition said that we should have a model Act for formation of townships in the State. If we have a general Act like the Madras State Townships Act, we can, when necessary, extend the provisions of that Act to the local areas concerned. I hope the Minister for Local Administration will take up that question soon.

" With regard to this Bill, the Hon. the Mover said that portions of Kuduvay and Thoppompalayam have been proposed to be included in this township. Under the Madras Village Panchayats Act, these revenue villages as a whole including the portions now proposed to be included in the township have been constituted into panchayats. I believe they should be excluded from the operation of the Panchayat Act by a formal notification under that Act, because on and from the appointed date under the present enactment, the provisions of the Panchayat Act cannot apply to the township area. The Government should consider this particular aspect and issue necessary notifications excluding the respective areas from the operation of the provisions of the Village Panchayats Act.

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“As regards constitution of the committee of administration of the township I agree with the hon. Member Sri Balasubramania Ayyar that in these days of democracy, democratic elective principle should be introduced though the colony consists mainly of officials. The committee may in the first instance be constituted by nomination. But, after a year or so, the elective principle should be introduced. I think that is the proper thing to do. Simply because the colony consists of officials we should not have an undemocratic body to manage the civic affairs of the locality. The Chairman alone may be appointed by the Government and the highest officer on duty in the colony may thus be appointed as the *ex-officio* Chairman. Difficulties might arise if some one else is elected. Of the six members who will constitute the committee, I suggest that one of them must be drawn from the labourers as the Hon. the Mover himself admitted that there is a large number of labourers in that colony. In this connexion I would also like to refer to the question that I raised some time back as regards the future development of this colony. In reply to my question the Hon. Minister said that no public office is sought to be shifted there and that Government are thinking of starting some technical or industrial schools there. The House, I think, will be glad to hear from the Hon. Minister what has been done in the matter so far and what is proposed to be done in the future. We would be happy to know the progress made, so that we can assess the need to scrap the Panchayat Act in that area altogether and set up an officially nominated committee as has been now proposed for the civic administration of the colony.

“Sir, I hope these points will be considered by the Government and necessary action will be taken to introduce the elective element at least next year for this area and that in framing a general Act that has been suggested for constitution of townships in future, this elective principle will be the guiding factor and not constitution of nominated bodies.”

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* SRI K. BHASHYAM :—“Sir, I propose to confine my remarks to Clause 4 of the Bill for the present. In the first place I would like to explain how this clause is vague and indefinite. We do not know what the Government propose to do. This clause says, ‘The State Government may, by notification in the *Fort St. George Gazette*, direct that any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras . . .’ What do they mean by ‘any other enactment for the time being in force elsewhere’? Does this relate to any other enactment relating to some other department, say for example, the Religious Endowments department or any other department? This is a curious provision. I can understand it, if it is put in the following manner as ‘any other enactment relating to the local boards or allied departments.’ The clause as it stands is very vague. The Government should not be entrusted with such wide powers. We do not know what the Government’s view in the matter is. This clause further states, ‘. . . shall apply to the township to such extent and subject to such modifications, additions and

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restrictions as may be specified in the notification'. After all, this is legislation. We cannot leave modifications, additions and restrictions to be carried out by the Government by notification. I do not know whether it is constitutional to do so and I am not at present questioning the legality of the same. Sir, it is said that lawyers always talk of constitutionality and legality. I am not doing so now. I only want to point out certain practical difficulties in our having such a section on the Statute Book. The Government cannot be allowed to take such wide powers which may even be unconnected with the control of the township itself. It is not safe to entrust such wide powers with anybody. This is as far as the legality of this clause is concerned."

DR. V. K. JOHN :—"What about its morality?"

* SRI K. BHASHYAM :—"That is a different matter. There are ever so many items of work, such as the collection of tax, fines, etc. We cannot pass a clause like this without knowing what exactly the powers of the Government are.

"There is another matter to which I wish to refer in this connexion. Portions of the two panchayats are separated and formed as part of the township. I am not sure whether this can be done by legislation. I am not going into the legality of such a procedure. I only wish to know whether these two panchayats have been consulted in the matter. Usually when portions of panchayats are transferred or change of jurisdiction takes place, the panchayats concerned are entitled to notice and to put forward their objections if any. Only after hearing their objections, the Government can make any changes in jurisdiction or transfer particular areas from one panchayat to another. I only wish to know whether these panchayats have been consulted. If they were not consulted, I think it is really unfair to deprive those panchayats of these portions. They will consequently lose some revenue. I would like the Government to consider this aspect of the matter also.

"As for notifications, we have made repeated representations on the floor of this House that all notifications and orders made under any Act should also be placed on the table of the Legislative Council. In Clause 6 (2) of this Bill we find that these notifications and orders made under the Act will be placed on the table of the Legislative Assembly only. Are we not part of the Legislature? Are we not entitled to express our opinion in this matter? It is really wrong not to place those notifications on the table of the Council also. When the hon. Member Sri C. Rajagopalachari was the Chief Minister, this question was raised and he promised at that time that the notifications relating to the Bill that was then under consideration would be placed on the table of the House for the information of hon. Members. I said that in all cases all notifications must be placed by the Government on the table of the House for being considered and passed by us. In a way he consented to this, but he pleaded with the Council at that time that the measure that was under consideration then and which was urgent, may be passed.

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In accordance with the promise made by the ex-Chief Minister, I expected that all notifications will be placed on the table of this House also. But I was surprised to find this Clause 6 (2). If it is an urgent matter, we can understand the Government's bringing forward a measure in the other House in the first instance. But in the case of ordinary Bills and notifications and orders relating to the same, it is better if they are introduced here in the first instance so that we may suggest suitable amendments to them wherever necessary. When these measures are passed by the Assembly in the first instance and are subsequently brought here, we find it somewhat difficult to suggest suitable and reasonable amendments to be incorporated in those measures. Our inconvenience in this matter is thus quite apparent. I would therefore like to endorse the suggestion made by the hon. the Leader of the Opposition that ordinary innocuous Bills may first be introduced in the Legislative Council."

* SRI T. M. NARAYANASWAMY PILLAI :—" Mr. Chairman, Sir, I only wish to say a few words on the point raised last by the hon. Member Sri K. Bhashyam. I too wish to refer to Clause 6 (2) which says, ' All notifications and orders made under this Act shall as soon as possible after it is made be placed on the table of the Legislative Assembly for fourteen days, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid '. Repeals and amendments have as much force as any section of the Act. The Government cannot vest the delegated legislative power in the Assembly alone. It seems to be illegal and unconstitutional to do so. I do not know whether legal opinion has been taken on the constitutionality of this provision. Whatever it is, I wish to draw the attention of the Government to a provision in the Constitution under the heading ' Public Service Commission Regulations '. I only refer to Article 320 (5) which states :

" All regulations made under the proviso to Clause (3) by the President or the Governor or Rajpramukh of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State as the case may be as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid."

" So, the Constitution has made it clear in respect of that matter that such legislative power by way of repeal or amendment shall vest in both the Houses of Legislature where both Houses exist. I do not mean to say that Article 320 (5) applies *ipso facto* to this case. But the principle laid down in that Article is a guide to us and if we are to follow that principle, Clause 6 (2) of the present Bill under consideration seems to be illegal. When the Legislature of the State consists of two Houses, how the Government can try to get such legislation passed in one House alone passes my comprehension. Therefore, I object to Clause 6 (2) as I have very serious doubts about its legality."

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* SRI T. M. DAIVASIKHAMANY ACHARIAR :—“ Mr. Chairman, Sir, I feel inclined to say a few words on this Bill. I wish to support the Bill for the reason that the project aims at converting all the waste lands into wet lands and poramboke lands into beautiful gardens and all other developments. It also aims at the gradual formation of a big town, and eventually a municipality. I am grateful to Mr. Balasubramanya Ayyar who defined ‘ township ’ as a place which is somewhere between a municipality and a panchayat. According to the gradation in which he placed the township I think this township must be formed first. Eventually it may lead to the formation of a municipality. Some practical difficulties were expressed by the previous speakers and it was said that this Bill should not be taken as a precedent. It was also said that the panchayat board may recommend the person for the chairmanship of the township.

“ Whatever may be the method, nomination or election, I wish to point out one thing. This would be small township which cannot afford an election. If we want the committee to be elected, we shall be setting up a very bad and expensive example. It is just as well for the Government to find out a proper person who has sympathy for the aspirations of the Government and confidence of the people and make him chairman. The Government are the right authority to select such a chairman. Let the elective principle be given up for the time being and taken up on a future occasion. Sir, much was made of the Constitution in this connexion. I believe the Constitution has nothing to do with this kind of Bill. The Constitution does not say : ‘ Do not form cities ; do not improve villages or slums ’ and so on. The Constitution, on the other hand, is mainly intended for providing amenities to the people and all-round happiness. Therefore, no Constitution can be against the formation of this or any other progressive township or panchayat. I feel that this is an experimental measure. After all, this is not the solitary instance wherein the Council is asked to state its views. We have dealt with Mettur and we have dealt with the Courtallam township. The only consideration here should be, is it going to be helpful in providing requisite amenities to the people? Of course, in the case of the Courtallam township, there is the question of the floating population, besides the permanent residents of the place. In Mettur, we have a large number of labourers. It has become a big industrial centre. So, I feel that every township is going to blossom into a municipality or a great corporation in due course. What is needed at present is employment for all. We must get rid of the unemployment problem. The townships which we have created in Mettur and Courtallam are going to help to a great extent in providing an incentive for industrial pursuits. Bhavanisagar is not merely an irrigation centre. It is about to become a great industrial area. Bhavani like Mettur is going to produce all things that are necessary for the people. In that view, I feel that the township should be very soon formed with proper men and officials to formulate schemes for the starting of big factories and workshops, which will be able to provide for the

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poor people a wholesome and full meal. People who are suffering from want should not only get a full meal but must have a good resting place as well. They should live in peace and harmony. I am not content with the formation of a township alone at Bhavani-sagar. Science has to-day developed to such an extent, engineering science has especially taken such a giant stride that it can provide very decent cheap houses at modern costs not only to the industrialist but the coolies and also to the middle class people. I hope that the township will not restrict its activities to providing houses for its officials and others but produce resting houses not only for the sight-seers but also for the large floating population that visit the area.

“ Sir, with these words, I heartily support the Bill and hope that the Bill will be unanimously accepted by the House.”

(The hon. Member Sri T. G. Krishnamoorthi rose in his seat.)

MR. CHAIRMAN :—“ Order, order, we have had enough discussion on this. The Hon. the Minister for Public Works will reply now.”

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Chairman, Sir, opening the debate on this Bill, the hon. Member Dr. John, as usual, was scathing in his criticism and as I was walking out he asked me whether I would brook all that criticism. I said that I welcomed those criticisms and that I would give him back as much as he could give me. Of course, we are all here to do our best for the people whom we seek to serve. The hon. Member Dr. John went on criticizing this Bill and said that the drafting was very poor and that the Government were taking too much power. But, this is not the first time that the hon. Member Dr. John is characterizing the drafting as poor. He had the same thing to say on a prior occasion when I was moving the Electricity Supply Undertakings Bill. I challenge the hon. Member Dr. V. K. John to prove that there was any abuse of the wide powers the Government had taken. Sir, here there is a saving clause, that is Clause 6 (2) which says :

“ All notifications and orders made under this Act shall as soon as possible after it is made be placed on the table of the Legislative Assembly for fourteen days, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid.”

So, there is always a check. On the previous occasion also, it was agreed that there was nothing wrong with such a clause. But I certainly give due regard and respect to the observations of the hon. Member Dr. A. Lakshmanaswami Mudaliyar who wanted that the tone of the Bill should be suitably changed. I hope he would ask the Deputy Leader of the Opposition to lessen the tone of his attack on the Bill. I, however, give this assurance to the Leader of the Opposition that the Government will hereafter bestow their full attention on this question and see that the language is improved, and the rigour of the Bill is reduced if there is any fear that the

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Government would act in an autocratic way. But there will be little response if hon. Members want us to do it in the way the hon. Member Dr. John proposes.

" There is a complaint that in respect of notifications to be placed on the table of the House, only the Assembly is mentioned and not the Council. I am not competent to consider that point. Representations should be made to the Chief Minister and the Leader of the House to remedy that defect, if it is considered a defect.

" Sir, this Township Bill is a very simple one and it differs from any other similar Bill. The hon. Member Dr. A. Lakshmanaswami Mudaliyar wants that a provision should be included here that other townships will follow this pattern. Sir, then it would not fall to my lot but to the lot of the Minister for Health to pilot such a Bill. Bhavanisagar is a Public Works Department colony and, therefore, comes under my jurisdiction. It is essentially a Government colony.

" The hon. Member Sri K. Balasubramania Ayyar, while speaking on the Bill, said that a time-limit should be set for the nominated members to function on the committee. Of course, I could not fix any specific date by which they should quit the committee. I have already stated that by the time a large number of non-officials settle down in the township, the question of entrusting the affairs of the township to a committee of non-officials will be considered. I shall consider the question of introducing the elective principle at the proper time. Sir, we are alive to the fact that the elective principle as well as the democratic principle will have to be followed in these things. But this question is a simple one designed to safeguard Government interests. Government properties are there. The Government have invested a lot of money there and many Government officials, and labourers are there. The Government do not want to keep the civic administration of the Bhavanisagar area under the Executive Engineer who is now in charge of it. Instead of the Executive Engineer, we want a committee to be in charge of the civic administration of the area. Instead of the Executive Engineer being in charge of the civic affairs, we want to constitute a township committee composed of local elements to administer the area. One hon. Member suggested that we should introduce the elective principle. As I have said before we are alive to that fact.

3-10
p.m.

" The hon. Member Sri T. Purushotham said that there should be a general Act applicable to all townships. As I said that will not come under my purview. He has to take up that point with the Hon. Minister concerned. Of course he has given a suggestion that a representative of labour should also be on the committee. We have also thought of it. I may also say here that in the Lower House, a suggestion was made that a lady, the wife of an officer or some lady representative should be there. That will also be considered. Separate action is being taken by Government in regard to occupation of the buildings available.

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"Some objections were raised about invoking the aid of the Municipal Act and other Acts which have been characterised as vague and conferring very wide powers, by hon. Member Sri K. Bhashyam. I may draw his attention to the fact that this Bill is on the same lines as another Bill which has been passed by the two Houses and which has become an Act and which is in existence today. I mean the Mettur Township Act of 1940. (Sri K. Bhashyam: 'I raised the same objections even then.') But that Act has come into existence now. This Bill is only a copy of that Act. There is nothing new, nothing strange or anything new added here. If all the objections raised by Mr. Bhashyam then have been ruled out and the Mettur Township Bill has become an Act, then his objections to the present Bill which is a copy of the Mettur Township Act of 1940 may also not hold good. That is all I can say. I will take note of improvements and suggestions made by hon. Members in case I have to deal with another Township Bill hereafter. That is all I can say for the present. This is only a measure of exigency to arrange for the interim administration of the Bhavanisagar area. As I said in the Lower House, we will consider all aspects and try to inculcate the elective principle and I shall try to bring in a comprehensive Bill. Already representations have been made that the Mettur Township should be constituted into a municipality. Government are considering that. The only thing I can say at present is that hon. Members can expect a comprehensive Bill shortly.

"Hon. Member Sri T. M. Narayanaswami Pillai has said something about the rules that are to be placed on the table of this House. As I have already said that question should not be put to me but the hon. Member should tackle the Hon. the Leader of the House about this, to modify the drawback.

"In a way I have covered all the points raised. I do not think hon. Members will have great objections to pass this measure."

* THE HON. SRI M. BHAKTAVATSALAM :—"About the criticism that notifications and orders under this Act are to be placed only on the table of the Legislative Assembly and not on the table of the Legislative Council, I would like to point out that there has been no intention on the part of Government to ignore this House. So far as this Bill is concerned, I would give this assurance to the hon. Members of this House that notwithstanding this provision, Government will place on the table of this House all those notifications and orders that will be issued under this Act."

MR. CHAIRMAN :—"The question is—

'That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of the 1954), as passed by the Assembly, be taken into consideration.'"

The motion was carried and the Bill was taken into consideration.

Clauses 2 to 6 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Sir, I now move—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’

“ I thank hon. Members for the very constructive criticisms they have offered on the floor of the House and I have nothing further to add to what I have already stated. If I happen to bring in another Bill of this kind I shall certainly carry out all the suggestions which have been offered by hon. Members on this occasion. With this assurance, I move that the Bill be passed into law.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’ ”

* SRI G. KRISHNAMOORTHY :—“ Before the Bill is passed into law, I would like to know from the Hon. Minister what is the intention behind the Government in creating this township when there are other forms of Government like municipalities, district boards and so on? Is it the intention of Government that there should not be panchayat raj? What is the object in creating the township wherein the residents are mostly Government servants? ”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, we are now in the third reading stage. That means the House has approved the principles of the Bill and we have also finished the clause by clause consideration of the Bill. I do not think the hon. Member's question regarding the object with which this Bill has been brought forward is relevant at this stage.”

MR. CHAIRMAN :—“ I should like to tell the hon. Member, Sri G. Krishnamoorthy, that he should talk only on the general aspects of the Bill at the time of the third reading.”

SRI G. KRISHNAMOORTHY :—“ I want the Hon. Minister to reply to my question. That is all what I want.”

MR. CHAIRMAN :—“ The hon. Member can talk only on the matter contained in the Bill. I will now put the motion moved by the Hon. Minister to the vote of the House. The question is—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’ ”

The motion was carried and the Bill was passed into law.

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(4) THE MADRAS DISTRICT BOARDS (SECOND AMENDMENT) BILL,
1954 (L.A. BILL NO. 31 OF 1954)

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ Mr. Chairman, Sir, the ordinary elections to district boards based on adult franchise will be held during the months of September and October 1954. The number of persons contesting the elections will be considerable and the election campaign and propaganda will be almost unceasing till the last hour of the poll, in which case breaches of peace and disorder may arise. The same elaborate arrangements as for the State Legislative Assembly elections, have, therefore to be made. For the smooth and efficient conduct of these elections it is considered necessary to prohibit public meetings on the dates of poll and the canvassing of votes in or near the polling stations, to deal with disorderly conduct in or near the polling stations, and to empower the Special Officers of District Boards or other specified responsible officials to requisition vehicles, premises, etc., on the lines of the Representation of the People Act, 1951 (Central Act XLIII of 1951). Reasonable compensation will be paid to owners whose vehicles or buildings are so requisitioned.

“ The Representation of the People Act, 1951, does not apply to district board elections, and there are no analogous provisions either under the Madras District Boards Act, 1920, or in the rules for the election of members of district boards framed thereunder.

“ I accordingly move—

‘ That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be taken into consideration.’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly be taken into consideration ’.”

3-20
p.m.

* DR. V. K. JOHN :—“ Mr. Chairman, Sir, personally I think this measure is unnecessary. Elections to municipal councils were held on the basis of adult franchise. After the Constitution of India came into force, elections to the Madras Legislative Assembly and Parliament were held on the basis of adult franchise. These elections went on very peacefully. It is said that the Representation of the People Act, 1951, contains the provisions embodied in this Bill. There was no occasion to put into force the provisions of that Act at all. When there was peace and order in the municipal elections and in the elections to the Legislative Assembly and Parliament conducted on the basis of adult franchise, why should we bring in a Bill for applying these provisions to the district board elections? As a matter of fact, in municipal elections, a larger number of people congregate in a smaller area. The object behind the Bill is to push forward the policy of controlling and

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requisitioning everything and the vesting of more power in the Government. A great writer in America has said that the best Government is the Government which is least in evidence. I personally think that we should not control the liberties of the citizens or requisition their properties. We must trust the genius of our people for order and peace. The policy of the Government should be not to interfere with the liberty of the subject and not to impose controls and regulations unless they are absolutely necessary. But the Government are always anxious to get more and more control in their hands to exercise authority. I repeat that this Bill is unnecessary and that this Bill to control the liberty of the subject should not have been introduced."

SRI MOHAMED RAZA KHAN :—" Sir, I think that there is some justification for the Government to have a set of rules for the conduct of elections based on the provisions of the Representation of the People Act, 1951. Probably the Government felt that provisions similar to those contained in that Act should be made applicable to the district board elections which are going to be held on the basis of adult franchise. A similar situation arose when elections to the Madras Legislative Assembly and Parliament were held in 1952. The manner in which the elections were conducted does credit to the Government. Several crores of voters went to the polls and there was no major incident. Only there were minor incidents here and there. It is in the interests of the Government as well as the people to see that the elections are conducted peacefully. Otherwise, the people's real representatives may not be returned.

" In this Bill, holding of public meetings is prohibited only on the day of the poll. But in the Representation of the People Act, holding of public meetings is prohibited not only on the day of the poll but also on the day previous to the day of the poll. In this respect there seems to be a slight deviation from the Act. No candidate or his supporter will hold meetings on the day of the poll, as on that day all his energy and time will be concentrated upon meeting individual voters and securing their votes. Whatever the rules may be, the advantages and disadvantages are common to all and therefore I do not want to labour that point much. I hope the Honourable Minister will clarify this point.

" I would like to bring this point to the notice of the Honourable Minister though it may not be strictly relevant to the Bill. Many Muslim lady-voters observe *gosha*. They go to the polling booth in bullock carts. The carts are stopped at a distance of about forty or fifty yards away and the voters are asked to walk to the polling booth. I think the Government will do well to instruct the concerned authorities to allow the carts to go as near the polling booth as possible provided, of course, such a course does not lead to congestion of traffic or obstruction to traffic.

" According to the proposed Section 59-F, removal of ballot papers from a polling station is an offence. I understand that the system of voting in district board elections is quite different from

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what it was for the Assembly and Parliament elections. In the Assembly and Parliament elections, the voter is given a ballot paper and asked to deposit it in the box bearing the symbol of his choice. But in the district board elections, according to a statement of the Hon. the Chief Minister, every voter will be given a ballot paper which will contain the names of the contesting candidates and the symbols allotted to them, and the voter will have to make a mark against the name of the candidate of his choice and deposit the ballot paper in the ballot box which will be placed before the polling officer. When the ballot paper has to be deposited in the ballot box in the presence of the polling officer, I cannot understand how there can be any scope for the removal of ballot papers from the polling station. The Hon. the Chief Minister rightly said that in the last elections, there was a tendency among the voters to take away the ballot papers outside and sell them. No one can say more authoritatively on this matter than the Hon. the Chief Minister because he may have seen how ballot papers were taken out of the polling station and sold for eight annas, one rupee, two rupees and so on. I quite accept the change in the system of voting that the Government have brought forward. But as I have explained above, I cannot understand how there can be any scope for removal of ballot papers from the polling station under the revised system. I hope the Hon. the Minister for Finance will clarify this point also.

“ If the Hon. the Minister for Finance will not object and say that it is beyond the scope of the Bill, I wish to say this. I feel that this revised system of voting will meet with success. If it succeeds, the Madras Government will do well to address the Government of India saying that they have tried this system in district board elections and that it has succeeded and recommend it for adoption to the Assembly and Parliament elections. Some people may say, as has already been pointed out in the Assembly, that most of the voters are illiterate and that they may not be able to mark the ballot papers correctly. Whatever be the system, the advantages and disadvantages of it are common to all.”

3-30
p.m.

* SRI G. KRISHNAMOORTHY :—“ Mr. Chairman, Sir, I am quite in consonance with the views of the Government that elections should be conducted on peaceful lines and that there should be no trouble whatsoever from any quarter at the time of the elections. But the remedies prescribed are very very drastic. They do not seem to be remedies at all. They have some sort of a threatening language as referred to by the Hon. the Leader of the Opposition and they also subject the people to a new procedure to the extent of marking on the ballot papers. I should like to have enlightenment from the Hon. Minister “piloting the Bill whether the procedure indicated by the Hon. member Sri Raza Khan is the correct one. I take it that there is to be a deviation in the procedure so far as marking on the ballot papers is concerned. If so, what need has arisen, suddenly for the Government to change the system of voting which has worked so well some

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two years back at the time of the general elections? Have the people, the so-called illiterate masses, turned literate overnight? Do we believe that people who have had no schooling, especially those in the rural areas, have been trained specially for this purpose to hold a pen or a pencil and make a mark on the ballot paper against the name of the candidate or against the symbol which they prefer? I think we are rather going too fast in these matters. I request the Hon. Minister to kindly explain what sudden need has arisen to change the system which had worked so well and had produced peaceful results.

“There are certain provisions in this Bill whereby I think Government servants and even teachers who have to act as polling officers or as presiding officers are affected. A presiding officer, if he is found to act contrary to the intentions of the Government, can be punished with imprisonment or with fine or with both.”

THE HON. SRI C. SUBRAMANIAM :—“Sir, may I know from the hon. Member what is the section which says ‘acting against the intention of the Government’?”

* SRI G. KRISHNAMOORTHY :—“Sir, I think it is Section 59-B. A presiding officer will be liable to imprisonment under the law we are contemplating if he is found to act contrary to the intentions of the Government.”

THE HON. SRI C. SUBRAMANIAM :—“Sir, can it amount to acting against the intentions of the Government? Is it the intention of the section?”

* SRI G. KRISHNAMOORTHY :—“Sir, the intention of the Government is to conduct the elections peacefully and in an orderly way. What we are concerned with is the conduct of the officer who is to be in charge of the polling office. The officers who are deputed for election duty will naturally be Government servants or teachers. Sir, who is to judge their attitude? They are expected not to side any party. The penalty prescribed is too much. Why should not they be let off with a warning? The offences punishable under most of these sections are cognizable. The officers who are charged will be taken into immediate custody. Is there any necessity to prescribe such drastic punishments in respect of a class of people who have behaved well and acted responsibly in the recent elections? What need is there for bringing this procedure so far as the elections to the district boards alone are concerned?

“There are certain provisions which say that within a distance of 100 yards of the polling station, such things like canvassing for votes, soliciting the vote of any elector, etc., should not be done. I would request the Government to order off the area at least. Otherwise, how are we to find out that such a thing takes place within a distance of 100 yards or not? A person who contravenes

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these provisions shall be punishable with fine which may extend to Rs. 250. So it would be better if the area is cordoned off. In Section 59-D also there are certain provisions which have been defined very vaguely. That section says 'at the entrance of the polling station or in any public or private place in the neighbourhood thereof.' What is meant by neighbourhood? I wish that this expression is defined more clearly and specifically. As the penalties prescribed are too drastic, I would request the Government to take a liberal view of the matter and reduce the punishments. After all, nobody is going to act against the wishes of the Government in these matters. A person acting as a polling officer will be a Government servant or a teacher, who is entitled to travelling allowance from the Government, and he will not act against the intentions of the Government. So, let not the remedies, which are in the form of punishments, be so very drastic. That is my earnest appeal to the Government, Sir."

* **SRI A. SUBRAMANYAM** :—"கனம் தலைவர் அவர்களே, ஸ்தல ஸ்தாபன மந்திரி அவர்கள் கொண்டுவந்திருக்கும் மசோதாவை ஆதரிக்கும் முறையில் சில வார்த்தைகள் கூற விரும்புகிறேன். ஜில்லா போர்டு தேர்தலை அமைதியாக நடத்தும் உத்தேசத்துடன், தேர்தல் அன்று அனாவசியமான சச்சரவு, பிரசாரம், போலிங் டூத் அருகில் நடக்காமலிருக்கவேண்டுமென்ற நோக்கத்தோடு இந்த மசோதா கொண்டுவரப்பட்டிருப்பதால் இதை யார்தான் ஆதரிக்காமலிருக்கமுடியும்? இருந்தாலும்கூட, சில முக்கியமான விஷயங்களில் சர்க்கார் அக்கறை செலுத்தாமல் இருப்பதைக்கண்டு நான் வருந்துகிறேன்.

"குறிப்பாக இந்த நாட்டில் ஏராளமான பாமர மக்கள் எப்படி வோட்டுப்போடுவது என்பதை அறியாமல், தெரிந்து கொள்ளாமல் இருக்கிறார்கள் என்பதை யாவரும் ஒப்புக்கொள்வார்கள். இப்படிப்பட்ட அவலமான முறை நீடித்துக்கொண்டிருக்கும்போதே ஏற்கெனவே இருந்த சின்னப்பெட்டியில் வோட்டுப்போடும் முறையை மாற்றி அவரவர்களுடைய சின்னங்களுக்கு எதிரில் 'இன்ற', மார்க் அல்லது வேறு எந்த மாதிரியான ஒரு குறியையாவது போட்டு வோட்டுப் பெட்டியில் போடவேண்டுமென்று சொன்னால் இதைத்தான் என்னால் ஒப்புக்கொள்ள முடியவில்லை. இதை மாற்றவேண்டுமென்பது என்னுடைய ஆசை. நம் நாட்டில் படித்தவர்கள் நூற்றுக்கு இருபத்தைந்து பேர்களுக்கூட இல்லை. மேலும் பெண்களோ மொத்த ஜனத்தொகையில் சரிபாதிக்கு மேல் இருக்கிறார்கள். இவர்கள் எல்லோரும் தற்குறிகளை! 'பாலட்', பேப்பரில் குறிபோட்டு வோட்டுப்பெட்டியில் போடவேண்டுமென்று சொல்வது கொஞ்சம்கூட சரியாகாது. மேல் சபைக்கு அங்கத்தினர்களை சட்டசபை அங்கத்தினர்கள் தேர்ந்தெடுக்கும்போதே இவர்கள் Single transferable வோட்டு எப்படிப் போடுவது என்று தெரியாமல் பல தப்புக்களைப் புரிந்திருக்கிறார்கள். குறிப்பாக முன்பு நடந்த மேல் சபைத்தேர்தலில் 120 வோட்டுக்களுக்கு 10 வோட்டு செல்லத்தக்காதகாது அறிவிக்கப்பட்டிருக்கின்றது. தற்போது நடந்த தேர்தலிலும் 126 வோட்டுக்களில் 124 வோட்டுக்கள் பதிவாயின. அதிலும் 2 வோட்டுக்கள் செல்லுபடியாகாதென அறிவிக்கப்பட்டிருக்கிறது. இப்படிப் படித்தவர்கள், மக்களின் வோட்டுக்களைப்பெற்று சட்டசபை அங்கத்தினர்களாக இருப்பவர்கள், சட்டம் என்னவென்பதை அறிந்தவர்கள், வோட்டுப் போடும் முறையையே ஏற்படுத்துபவர்கள் இவ்வாறு பல தப்புக்களைச் செய்கிறார்கள் என்றால் பொதுமக்கள், படிப்பறிவில்லாத பாமர மக்கள் எவ்வளவு தப்பு செய்வார்கள் என்பது யாவரும் அறிந்த விஷயமாகும். மேலும், இம்மாகாணத்தில் சற்றேறக்குறைய மொத்த ஜனத்தொகை 3 கோடியாகும். அதில் 2 கோடி ஜனங்கள் பிற்பட்ட இனத்தைச் சேர்ந்த பாமர மக்களாகும். இதர ஒரு கோடி மக்களில் பல லக்ஷங்கள் கொண்ட

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ஹரிஜனங்களுமாவார்கள். ஆகவே பழைய முறைப்படியே அபேட்சகர்களின் சின்னமிடப் பெட்டியிலே வேண்டுமென்பதை உடனடியாகக் கொண்டுவரவேண்டுமென்பது அரசாங்கத்தின் கடமையும், பொறுப்புமாகும் என்பதை எடுத்துக்காட்ட விரும்புகிறேன். எனவே அதை உடனடியாகக் கொண்டுவரவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.

“அடுத்தபடியாக நூறு கஜத்திற்குள்ளாக வேண்டுமென்பதை அபேட்சகர்களுக்கு லஞ்சம் எதுவும் கொடுக்கக்கூடாது. அப்படிக்கொடுத்தால் அவர்களைத் தண்டிக்க நடவடிக்கை எடுக்கப்படுமென்றும் சொல்லப்பட்டிருக்கிறது. எனக்கு நன்றாகத் தெரியும். தேர்தல் தினத்தன்று பெரும்பாலும் நூறு கஜத் தூரத்திற்குள்ளிலிருக்கும் மாரியம்மன் கோவில், ஆலமரத்தடி போன்ற இடங்களில் மக்களின் கையில் நாலணு, அல்லது எட்டணு என்று காசை வைத்து அவர்களை வேண்டுமென்பதைச் சொல்லி வேண்டுமென்பதை அனுப்புவதை நான் பார்த்திருக்கிறேன். பலரும் பார்த்திருப்பார்கள். போலிஸ் அதிகாரிகளிடமும், தேர்தல் அதிகாரிகளிடமும், ‘அவர்கள் பேரில் நடவடிக்கை எடுங்கள், என்று சொன்னால் அவர்கள் பதிக்மாக்கவே, “எங்களால் எந்த நடவடிக்கையும் எடுக்க முடியாது. நீங்கள் வேண்டுமானால் தேர்தல் கோர்ட்டுக்குப் போங்கள், என்று சொல்லிவிடுகிறார்கள். ஆயிரம் ரூபாய் கையில் இருந்தால்தான் தேர்தல் கோர்ட்டுக்குப் போகமுடியும். பணமுள்ளவர்கள் போகிறார்கள். இருந்தாலும் இம்மாதிரி லஞ்சம் கொடுக்கும் பழக்கத்தையும், ‘வேண்டுமென்பதை, என்று சொல்லி லஞ்சம் வாங்கும் பழக்கத்தையும் ஒழிக்க சர்க்கார் 500 பேர்களுக்கு ஒரு வேண்டுமென்பது என்று ஏற்படுத்தவேண்டும். ஏனென்றால் சிலர் மிக அதிகமான தூரம் போகவேண்டுமென்று என்ற சோம்பலில் போகும் செலவிற்காவது ஆயிரம் என்று சொல்லி இம்மாதிரியாக லஞ்சம் வாங்குகிறார்கள். கொடுப்பதும் தப்பு; வாங்குவதும் தப்பு. ஆகவே தட்டு கொடுக்கும், வாங்கும் பழக்கத்தை அடியோடு ஒழிக்க 500 பேர்களுக்கு ஒரு சாவடி என்று ஏற்படுத்தவது நலம். 500 பேர்களுக்கு ஒரு சாவடி என்று ஏற்படுத்தினால் ரொம்பவும் செலவாக இருக்கும்.

“இரண்டாவதாக ஆண்களுக்கு ஒரு booth, பெண்களுக்கு ஒரு booth என்று இருப்பதைவிட ஆண்களுக்கு ஒன்றும் பெண்களுக்கு இரண்டு booths என்று ஏற்படுத்தினால் நலமாக இருக்கும்.”

THE HON. SRI C. SUBRAMANIAM :—“Some of the remarks 3.40
of the hon. Member are a little bit irrelevant. I did not want to p.m.
interfere in the beginning itself.”

* SRI A. SUBRAMANYAM :—“நான் சொல்லுகின்ற விஷயம் இம் மசோதாவிற்குச் சம்பந்தப்பட்டதாக இல்லாவிட்டாலும் இவைகளில் சர்க்கார் கொஞ்சம் கவனம் செலுத்தவேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்.

“எனக்கு பேச சந்தர்ப்பம் அளித்தற்காக, கனம் தலைவர் அவர்களுக்கும் என்மனமாந்த நன்றியைத் தெரிவித்துக் கொள்ளுகிறேன்.”

* SRI K. BHASHYAM :—“Mr. Chairman, Sir, I do not want to make general observations on the Bill except to say that the bringing forward of this Bill on the eve of the district board elections is looked upon with some suspicion and there is a feeling that the Government have introduced this Bill for their own purpose. I wish the matter had been taken up much earlier and the Bill had been brought before this House long before the district board elections were thought of, and it would have been better if they had done so.

[Sri K. Bhashyam] [16th August 1954]

“ Now, I will confine myself to two or three points on which I want some clarification or some elucidation. Section 59-B introduced in this Bill says—

‘ (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.’

It is also stated in sub-section (2) that the person who is appointed as the Returning Officer ‘ shall not persuade any person to give his vote at an election ’ or ‘ dissuade any person from giving his vote at an election ’. Is it the idea of the Government that if a person unconnected with political parties and who is a teacher in a school or is employed in some office, is appointed as the Returning Officer or Assistant Returning Officer four or five days before the election, he should not speak to his own relatives or friends about the election for those four or five days? If the intention of the Government is to see that he does not really work for any particular candidate or canvass votes on the date of the election, I can understand it. But the clause as it stands, interferes with his normal right of persuading persons to vote when he is appointed as the Returning Officer or Assistant Returning Officer some four or five days before the election. It also imposes a penalty of ‘ imprisonment which may extend to six months or with fine or with both ’. Of course, the intention of the Government may be good and they want to see that the polling officers shall not act for any particular candidate or influence voting in any other way. After all, who is the Returning Officer and when does he become a Returning Officer? Even though he may be appointed some four or five days before the date of the election, he acts as the Returning Officer only on the date of the election. That is a matter which has been left in ambiguity in this section and, I am afraid, it may be taken up to the courts.

“ Then, I come to Section 59-G relating to the requisitioning of premises, vehicles, etc., for election purposes. Of course, exemption is given in the case of residential buildings. Other than residential buildings, some buildings are used for public purposes. For instance, there are buildings used for public worship and schools. Generally, at the time of election, the school buildings are used for election work and a holiday is declared on the election day by the school authorities. Is it right to give a holiday to students because the elders are going to the poll? Therefore, it is better that these buildings are also excluded from the provisions of this section, and, I am sure, the Government will give instructions that these school buildings should not be requisitioned for election purposes.

“ As regards the payment of compensation, it is somewhat curious to find in the Bill that, if there is a dispute between an

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aggrieved person and the Government over the amount of compensation, it shall be referred to an arbitrator appointed by the Government alone. It would have been better if the matter has been left over to be decided in a court of law. Sir, as it is, the decision of the arbitrator appointed by the Government is final. Even though I have not given notice of an amendment to this section, I feel that the person appointed as the arbitrator should be a disinterested person, preferably a Judicial officer."

THE HON. SRI C. SUBRAMANIAM :—" That is what is being done now."

* SRI K. BHASHYAM :—" Why cannot the Government put it in the Statute itself so that complications may not arise later on? I think it was when the Defence of India Rules were in force, the appointment of the arbitrator was left in the hands of the Government, but that was done to meet emergency cases and now there is no emergency and we are out of all those things. Sir, as it stands in the Bill, the arbitrator is appointed by the Government without the concurrence of the other party. These are the points which require clarification from the Government and I hope they will take note of them all when the Act is administered."

* SRI A. M. ALLAPICHAI :—" Mr. Chairman, Sir, as it has been clearly stated by some of our hon. friends, the last general election was a grand election and our country ought to be proud of that election. More than 18 crores of our people took part in the election perhaps in the most calm and peaceful manner and everyone is proud of that. To a very great extent the credit also goes to the several political parties which had taken part in the election. The leaders of these several political parties had gone to the constituencies and spoke to the people at great length on what they had to do at the time of election. So, in that way the electorate got educated and, I think, there is no harm in our having this system of voting, viz., the voter should make some mark against the name of a particular candidate to whom he wants to vote. We should not think that because the majority of our people are illiterate, all of them will commit mistakes. No doubt, some of them may commit mistakes but what will be the effect of it? The Congress Party, the Socialist Party, the Communist Party and other Parties will go to the people and teach them what they should do at the time of voting. So, it will have a very good effect and people will get educated. Let us not be perturbed over it. Therefore, I feel that the Government have done a right thing in introducing this Bill."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I am replying to the debate on behalf of the Hon. Minister in charge of the Bill. The hon. the Deputy Leader of the Opposition, in his usual way, opposed this Bill. I find that he has found a worthy supporter of his criticism of the various clauses in this

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Bill, in hon. Member Sri G. Krishnamoorthy who is trying to emulate the example of the hon. Deputy Leader of the Opposition. But the hon. Deputy Leader of the Opposition has got the answer from one of his own party men with reference to the necessity for this Bill. So, I do not think that it is necessary for me to go into the general criticism which hon. Member Dr. John was pleased to make.

3-50
p.m.

"Hon. Member Sri Mohamed Raza Khan made out a point that there is a departure as far as the proposed Section 59-A is concerned. I am sorry he has made a mistake. I find that word for word, it is the same as Section 60 of the Representation of the People Act, 1951. Even under this section meetings are prohibited only on the polling day. I am sorry the hon. Member is not here. I verified Section 59-A with Section 60 of the Representation of the People Act and I find that they are the same word for word. The hon. Member remarked that there seemed to be a difference in regard to the holding of public meetings. I find that even in the Representation of the People Act, 1951, the provision is the same. It is only on the date of polling that meetings are prohibited. From mid-night, 12 o'clock, onwards there should be no public meeting whatsoever and I do not think we have made any departure. I think it is only on the previous day that all efforts are made to have public meetings everywhere so that a final appeal can be made to the electorate. I, therefore, think that it is quite proper that we retain the provision as it is in the Representation of the People Act, 1951.

"Then, with reference to the Returning Officer and the Assistant Returning Officer, I do not know why the hon. Member Sri K. Bhashyam made a mistake. Returning Officers are appointed immediately an election is to take place even for the purpose of receiving nominations and scrutinizing them. Assistant Returning Officers are appointed to assist the Returning Officers. As soon as one is appointed he becomes the Returning Officer and in the case of the elections to the Assembly, generally, it is either the Collector or the Revenue Divisional Officer who is appointed as the Returning Officer and, in regard to the elections to the District Boards, the District Panchayat Officers are appointed as Returning Officers."

* SRI K. BHASHYAM :—"Sir, on a point of information, are not these officers appointed some days before the elections?"

* THE HON. SRI C. SUBRAMANIAM :—"Mr. Chairman, Sir, the Returning Officer is appointed as soon as the elections are announced. He is invariably an official. As a rule, we cannot expect that he will be given an opportunity to canvass votes on behalf of parties. He is an official presiding over the entire proceedings of the election from the date of nomination up to the end of the counting of the votes. If such an officer is to be allowed to participate in the canvassing of votes, certainly, it will not give the impression of impartiality as far as the various candidates are

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concerned. As a matter of fact, no official is expected to take part and they are prohibited from taking part in any election. I do not, therefore, think that any objection could be taken in this regard.

“ Hon. Member, Sri G. Krishnamoorthy, mentioned that the penalties provided were too drastic. After all, what is provided for is that in certain cases, according to the severity of the offence, both a fine as well as a sentence of imprisonment could be imposed. Merely because a sentence of imprisonment is provided for, it does not mean that a sentence of imprisonment will be invariably imposed. It will all depend on the merits of each case. In cases of misbehaviour only the Government will take action and, if it is serious enough, it will go before a Court and the Court will award the punishment according to the nature of the offence. It is not necessary that a sentence of imprisonment should be awarded in respect of every offence.

“ Then the same hon. Member referred to the punishment to be imposed if anybody acted against the intentions of the Government, though he guarded himself later on by saying that the intention of the Government was the peaceful conduct of elections. There is no question of the intentions of the Government coming into the picture at all. The intentions are only those of the Legislature. We are now sitting here as representatives of the people and are passing this Bill. Of course, when the Bill is passed into an Act, the Government will have to take action under its provisions. It is not our intention that utilizing the provisions of the Bill, we want to get votes for our own party. Absolutely, that is not the intention. If anything, I may tell the hon. Member who is not accustomed to the adult franchise electorate and the canvassing there, any official pressure, however slight it may be, only reacts most unfavourably to that pressure. The voter, when he goes to the polling booth, there is nobody to see in whose favour he is casting his vote and, if there has been any undue pressure, it will only go against the person who exerted that pressure. I am quite prepared to agree that there may be purchasing of votes, etc., but I am not prepared to believe and nobody will believe it when stories are told that a particular person voted in a particular manner because of intimidation or official pressure being brought to bear on him. It cannot happen also because the voter is free enough when he casts his vote inside the polling booth.

“ Then certain remarks were made with regard to the requisitioning of premises and of vehicles. The hon. the Deputy Leader of the Opposition, Dr. V. K. John, said that these provisions are absolutely unnecessary as far as the elections to the district boards are concerned. He asked: ‘ Were not municipal elections conducted on adult franchise without such provisions? Therefore, what is the necessity for them in regard to the coming elections to district boards? ’ After all, the areas of municipalities are restricted and it is not necessary for the election officials to go

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from one place to another over long distances. Even, if vehicles are not requisitioned, there are buses running in most of the big towns or the distance may be very short and the officers can go on bicycles. Here, in regard to the District Board elections, a constituency is spread throughout a firka, and the elections will be taking place throughout the district. The concerned officers will have to be going about in order to have an effective check. We cannot expect every officer who has to exercise such check to own a car. Under these circumstances, the Government have to depend upon other vehicles. Are we to ask these officers who have to exercise authority during the elections to depend upon somebody's car and be at the mercy of one party or the other? Power should therefore be vested in the Government to requisition vehicles for the purpose of exercising supervision over the conduct of the elections.

“ With reference to buildings, the polling stations have to be located somewhere. In fact, there has been a demand that for every 500 voters there should be a polling station. That being the case, the Government cannot take up a building programme for locating these polling stations. I do not think that even the Deputy Leader of the Opposition would agree to it. We have therefore to depend upon buildings belonging to some other persons and we have got to use them. Our Constitution provides that the buildings cannot be requisitioned except according to law. That is the reason why we are making a provision here in this Bill under which the buildings can be requisitioned for this specific purpose. We are trying to act in a strictly constitutional manner so that no property is taken even temporarily, though the purpose is a very good one, except under the authority of law. Instead of welcoming it, the hon. the Deputy Leader of the Opposition said that it was unnecessary for the Government to take this power. I think, if we exercise our executive authority and force people to give up their buildings for this purpose, then there will be some justification for the hon. the Deputy Leader of the Opposition to come and say the Government should not exercise this authority as the Constitution says that no property can be requisitioned except under the authority of law. It is only to meet the requirements of the Constitution that we are making this provision.

“ When it is necessary to requisition buildings, we have to pay compensation and we are providing for it accordingly. After all, we are not permanently taking over these buildings. We are going to requisition them for only one or two days for a definite purpose. Hon. Member, Sri K. Bhashyam, who is a lawyer and is accustomed to law Courts asked why the Government should exclude the Courts for the purpose of deciding any dispute in regard to the amount of compensation. After all the amounts to be paid for the use of the buildings or the vehicles for a few days are not likely to be very large and therefore it is proposed to appoint an arbitrator. The hon. Member seems to think that

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somebody will be appointed who will favour only the Government. Even when an official is appointed as an arbitrator he has to act according to his conscience and he has to give his decision as an arbitrator. In all these things, if only hon. Members have seen how this system had worked during the last General Elections, they would not make any complaint. During the last Assembly elections, I think, we appointed only District Judges as arbitrators and this system had worked well. Perhaps in this election District Munsifs may be appointed. The Government will bear in mind the suggestions in regard to these matters that only judicial officers should be appointed as arbitrators.

“ Lastly the method of voting was also referred to. Even 4 p.m. though it is not quite relevant, I think it is quite necessary to advert to it at least in a brief manner. Sir, we are now experimenting in the method of voting. Ultimately the method of voting by marking against the printed name should be adopted. For that end we have to work. During the last Assembly elections we resorted to the symbol system because of the large number of illiterate people who were not able to read and write. Formerly when the Assembly elections were held with a restricted electorate, colour boxes were used for the purpose of identification of candidates. During the last Assembly elections, we went a step further and said: ‘ Let us have symbols this time. Let people get themselves accustomed to remember symbols and distinguish the candidates to whom they want to vote.’ The symbol system worked very well and the people in spite of difficulties here and there, were able to recognise the symbols and vote according to their own inclinations. Therefore during the last Assembly elections it had been possible to educate the electorate to distinguish between one symbol and another.

“ After the Assembly elections, we thought we should go a step further. We have to educate the electorate and at the same time we should be progressive also. We should not be stagnant. During the panchayat elections we thought we should make an experiment in this direction. For the elections to the major panchayats we adopted the method of printing the symbol against the name of the candidate and the voters were asked to put a mark against the candidate of his choice. The mark need not be a ‘ X ’. It may be any mark and that will be taken as a vote for the candidate against whose symbol and name it is put.

“ The further thing we want to do is to help a person to make a mark on the ballot paper properly. Should we not educate the electorate at least to that extent? If we do not do it now, when are we to make any progress? I am sure we are taking a right step. The step adopted during the panchayat elections has worked fairly well. Instead of welcoming this measure, let not motives be attributed that we are trying to block the illiterate voters from voting and that the Government have got some ulterior motive.

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“As far as the voting system is concerned in the symbol box system, the ballot box is kept inside a room out of the view of the Polling Officer and the voter has got to drop the voting paper inside the ballot box. In this system there were some malpractices, namely, carrying away of the ballot papers. In one case I knew a ballot paper belonging to one Polling Station was found placed inside a box kept in another Polling Station. That was a serious defect we noticed. We want to avoid such a thing happening now. One way of avoiding this is by introducing a system by which the voter after marking in the ballot paper will bring it before the Polling Officer and drop it in the box kept before the Polling Officer. Even in this system some malpractices may be adopted. A voter may fold a blank paper and put it inside the ballot box before the Polling Officer and take away with him the ballot paper. The Polling Officer too cannot unfold the paper before the voter puts it into the box to find out whether it is a genuine ballot paper or not because he is not entitled to do so. Another person may bring with him two such ballot papers and after folding them he may put them inside the box. Such a thing happening is not an impossibility, and I do not want to say how to get over such difficulties. When the Opposition in the other House brought forward an amendment . . .”

SRI A. SUBRAMANYAM :—“வோட்டர்களை, வோட்டுச் சாலைக்கு வெளியே பாலட் பேயர்களைக் கொண்டுவரச் செய்து, ஒருவர் இவைகளை யெல்லாம் சேர்த்து உள்ளே போய் பெட்டிக்குள் போட வசதியுண்டா, என்று கேட்கிறேன்?”

* **THE HON. SRI C. SUBRAMANIAM** :—“The point is this. One person cannot bring ten or fifteen ballot papers and drop all of them at a time. At the most, a person instead of dropping one ballot paper can drop two ballot papers. If there is any suspicion, provision has been made enabling the Polling Officer or any other officer on his behalf for searching the voter to find out if he has taken with him any voting paper. Therefore, wholesale taking away of voting papers and one person going and dropping ten or fifteen voting papers at a time cannot happen in the present system of voting. At the most one can drop into the ballot box two voting papers. I am only explaining to hon. Members why a provision for punishing such offenders has been incorporated in the Bill. I am sure this system of marking on the ballot paper is a step forward as far as the voting system is concerned and I am hoping that before long it will be possible for us not to adopt any symbols at all and the people will be educated enough to mark against the names in the ballot paper. Even the best of our voters, the most educated people sometimes do commit mistakes. As a matter of fact, I know a person who had been to foreign countries and who had foreign education and who voted in the elections to the Council came and confessed to me later on that he put a X mark instead of marking 1, 2 and so on. It is possible even for educated people to commit mistakes. Anybody is bound to make mistakes and it is not only the illiterate

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people that make mistakes. Because mistakes are committed, it should not be said that we should not make any changes at all. As far as the voting system is concerned, we are bound to make changes, bound to make experiments until we finally arrive at a formula of marking against the name on the ballot paper which is the best. Let not hon. Members go away with the impression that these changes are made with some ulterior motives. The only motive is the education of the voter in the art of voting."

MR. CHAIRMAN :—" The question is—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—
" Mr. Chairman, Sir, I move—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—" The question is—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

* DR. V. K. JOHN :—" I want to pay a compliment to the Hon. Minister Sri C. Subramaniam for his very clever speech but regret I am not persuaded by it and I still oppose the Bill."

* THE HON. SRI C. SUBRAMANIAM :—" May I know whether the hon. Member is entitled to say after the Hon. Chairman has stated that the Bill has been passed into law that he is still opposing it? " (Laughter.)

(5) THE MADRAS ESTATES LAND (REDUCTION OF RENT) BILL^a, 1954
(L.A. BILL NO. 32 OF 1954).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be taken into consideration.'

[Sri M. A. Manickavelu Naicker] [16th August 1954]

" This is a short and simple amending Bill. Hon. Members will remember that the Madras Estates Land (Reduction of Rent) Act was passed in the year 1947 in order to reduce the rents paid by ryots because it was thought that the rents paid by them under the old Estates Land Act were very heavy. One of the provisions under the Estates Land (Reduction of Rent) Act, 1947, namely, Section 5, provides that in the matter of reducing the rate of rent if there is a difference between the reduced rate and the rate originally prevailing, the difference will be made good in the case of religious institutions, charitable institutions and bodies like that.

4-10
p.m.

" The idea is that the institution should not suffer on account of the reduction in the rate of rent. The Government are giving effect to it and they are not making any change in that respect. The change that is sought to be made is in respect of certain other reductions which arise not on account of the reduction in the rate of rent but loss of rent due to reduction in the extent of land cultivated or loss of water rate when water is not taken for cultivation. If any reduction takes place in these two respects, that is, reduced extent of cultivated land or water rate not being charged, then I must say the Government are not obliged to make good the difference. That is the spirit behind the Estates Land (Reduction of Rent) Act, 1947, and that is why this amending Bill has been brought before the House. In these two cases, the Government need not make good the difference. Effect is given to this in the Bill from fasli 1357."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be taken into consideration.' "

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, this measure has been introduced for the purpose of paying less compensation than is really proper or necessary. The old Act proceeds on the principle that the Provincial Government shall make good to religious, educational or charitable institutions which were proprietors of the land any amount which is reduced, the difference being calculated between the amount that is now payable from fasli 1357 and the average net income derived from such educational, religious or charitable institutions during the first five fasli years preceding the fasli year 1357. That was the principle for the payment of the reduced amount to religious, educational or charitable institutions. The average of the previous five years' income was taken into account to arrive at the net income. If, on account of the reduced rent, there was a difference between this average net income and the reduced rent, then the Provincial Government should make good that amount. This was a good and reasonable provision. Now they want to change

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it in two ways. First, they want to say that they shall pay to the institution at the end of the fasli year in question the difference between the net income derived by the institution in such fasli year, not the average net income to be calculated on the net incomes derived for the previous five years, and the net income which the institution would have derived in such fasli year if the rates of rent had not been reduced under the provisions of the Act. Apart from the reduction of rent due to the operation of the Act, the Government are afraid that there may be other reasons for reduced income in that fasli year. Therefore they want to indicate that only the difference on account of the operation of this Act and consequent reduction of rent alone is payable by the Government. If there were reductions on account of other considerations, the difference is not payable by the Government. That is the net effect of this Bill. How is this reasonable, I would like to know. Net income for the previous fasli of the fasli year in question cannot be the criterion. The proper thing is for the average to be taken. That is a more reasonable provision than taking the net income for that year. Naturally the affected party would say that this probable net income for the previous year was governed by various other factors and all that. Therefore they are afraid and they want to introduce this provision in the Bill. My submission is that the previous position taken by Government was perfectly good. When the average is taken, the probable loss due to other factors will be only in one year and will not be taken account of, because only the average of five years is to be taken. If the average is taken, all these other considerations will be completely removed. That is the object in taking the average over a number of years. There may be many factors which go into the consideration of the extent of the reduction of rent. Therefore, it is that we take the average of the previous five years, in order to find out the net income.

“ Then, Sir, there is another provision in the Bill, namely, ‘ notwithstanding anything contained in any law, contract or decree or order of Court to the contrary . . . the excess shall be adjusted to the rents payable to the later fasli year ’. When we wanted a similar provision to be made in the Hindu Religious Endowments Bill, the Government said ‘ no ’ to it. In that case the State had to pay and so they said ‘ no ’. Now they want such a provision because they have to pay to the proprietors any excess amount which is not chargeable according to the provisions of the Act. When the people are concerned they make one rule and when the Government are concerned they make quite a different rule. It seems to be a little unjust that Government should adopt such a procedure. The Hon. Minister might say : ‘ I will not take account of all the things you mention ’. I would only appeal to the Hon. Minister to be reasonable in these matters. This is a wrong principle to introduce in a legislation. After all these are religious, educational and charitable institutions. They are not landlords. All through the country, there is a cry for land

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reforms. I know they are bound to be expropriated. But that is a different matter. I am not going into it now. We are now dealing with religious, educational and charitable institutions. They need not be hanged in the name of landlords. When the Government are prepared to pay in the matter of 'tasdik' allowances, they can very well pay the difference on the average net income and the amount that is payable as a result of the reduction of rent. I do not know the exact difficulty of Government in paying this difference. I thought over the matter and I could not yet understand the real difficulty of the Government in this matter. Why should they change the average net income for the last five years before fasli 1357? That was a very reasonable and proper provision. The influence of other factors will be taken away, if that procedure were adopted. Suppose there was a drought in one year and consequent failure of crops and all that. The effect of the failure of the crop would be removed if the Government adopted the average of the past five years, because it is only the average net income.

"Then, Sir, it has become very common in all our legislations to give retrospective effect. We do not want to refer to this aspect of the matter any more in the Legislative Council, because in spite of our objections, every provision is given retrospective effect. Sub-clause (2) of Clause 1 says: 'Section 2 shall be deemed to have come into force on the 7th January 1948'. And in Clause 3, contracts, decrees and orders passed by Courts are sought to be ignored although they are perfectly valid and legal. Government say: 'notwithstanding anything contained in any law, contract or decree or order of Court to the contrary, the excess shall be adjusted towards the amount payable for any later fasli year, whether before or after the commencement of this Act.' I submit that this legislation proceeds on three or four wrong principles. That is why I object to it. I would like to be enlightened by the Hon. the Minister for Revenue on one point. I would very much like him to explain what are the difficulties in calculating the average net income for five years. If it is for one year, I think, there will be difficulty. But, when the average for five years is taken into account, I fail to see what difficulty there can be. As retrospective effect is also given, it enables the Government to take back the money which they paid to them properly and legally at that time. This is very wrong."

4-20
p.m.

* DR. V. K. JOHN :—"Mr. Chairman, Sir, I very strongly support the criticisms made by my hon. Friend Sri Balasubramanya Iyer. I do not want to repeat them. When the Estates Land (Reduction of Rent) Act, 1947, was passed, I was strongly of the opinion that religious, educational and charitable institutions ought to have been exempted from the Act. The Government did not exempt them. They made a provision for adjustment and for payment of a suitable compensation by Government wherever the institution had loss. The Government have now brought

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forward a measure to nullify the effect of the Act of 1947. This will be against the interests of the institutions and it is not becoming of any civilized Government to bring in a measure of this kind which prejudices and prejudices very harshly the religious, educational and charitable institutions which they should have, in all humility, left alone."

* SRI T. M. NARAYANASWAMY PILLAI :—" Mr. Chairman, Sir, I am at a loss to understand the principle behind this Bill. If the Government had any difficulties, certainly they ought to have taken the Council into confidence and explained to us what their difficulties were. They simply say that they are going to alter the manner in which these payments are adjusted. They had no doubt agreed in 1947 to pay the difference between the net income and the average income for the previous faslis. The Government ought to have stuck to that. On the other hand, they now seek to provide for the payment of the difference in some other way, viz., the difference between the net income according to the old rates of rent and that according to the reduced rates of rent for the cultivated lands without reference to the income in the previous fasli. The Government previously agreed to calculate the net average income for five faslis consciously knowing that it would be to the best interests of the religious, educational and charitable institutions. When they agreed to this, they had taken into account various other factors and conditions now laid down in the Bill. I may, however, point out that there has been no change of circumstances. No reason has been put forward to justify the Government's going back upon the principle which they had already enunciated. I think the Government should not fight shy of the original provision. I do not agree with the Government in this matter."

* SRI K. BHASHYAM :—" Sir, I will be very brief. I only want to point out the practical difficulties in calculating the adjustments made in respect of this matter. When this Act was first introduced, there was objection from all sections of the House to this provision. All of them said that the religious, educational and charitable institutions should not be deprived of the income which they were enjoying at that time. In order to purchase peace, the Government agreed to compensate them in a way. I was one of those strong opponents to this kind of reduction of rents. As a sort of compromise between the opponents to the Bill and the Government, an agreement was reached and the provision which is found in the original Act was incorporated. Now, if the Government go back upon the arrangement agreed to previously, it is not fair. Of course, the Government have got wide powers and they can bring in any legislation they like. But, it is not right or proper for them to go back upon their own promises. I would like the Hon. the Minister in charge of this Bill to kindly go through the proceedings of the Assembly for that period. As a matter of fact, long negotiations took place between

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the Government and those who were in opposition. When I say 'those in opposition' I do not merely refer to those hon. Members who sat on the Opposition Benches, but even to those who were on the Congress side and who were opposed to this provision. As a result of these negotiations, a compromise was arrived at. So, I request the Hon. the Minister in charge of this Bill to kindly look into this matter.

"I will refer to one other practical difficulty and leave it at that. About the provision relating to retrospective effect, we have repeatedly objected to the giving of retrospective effect. But the Government have been going on merrily with such provisions. I will just explain this point so far as the present Bill goes. Suppose the Government have been paying Rs. 200 in cash to a particular institution in a year for about five years. If they want to collect from this institution a sum of Rs. 1,000 by way of arrears, what happens to the institution? Is it to be closed down? In certain other cases, after making adjustments towards arrears, there will be practically nothing left to be given to the institution concerned. In such cases, is the temple to be closed down? Is the school to be closed down? Is the choultry to be closed down? This is the real difficulty which I would like to point out in this connection. People do not realize the seriousness of the situation that will be created by such a provision. It is not merely a question of breach of faith. A number of institutions will be closed at least for a temporary period of one year. This is the real difficulty of giving retrospective effect. English Law abhors 'retrospective effect'. Indian Law also abhors 'retrospective effect'. If the Government had incorporated this provision when the Estates Land (Reduction of Rent) Act, 1947, was first introduced I can say, with all the knowledge that I possess, that that Act would not have been passed. Therefore, it is not quite correct to have such a provision in the amending Bill. I beg leave to ask the Government not to proceed with this Bill."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—
"Mr. Chairman, Sir, with great respect to the hon. Members who are also learned lawyers, I wish to state that the object of the Government in bringing forward this measure is only to enunciate a correct principle and not to have a wrong principle as hon. Member Sri K. Balasubramanya Iyer said. The object of the Estates Land (Reduction of Rent) Act, 1947, was to reduce the rates of rent which were rather abnormal or very heavy. With that object, the original Act was passed. As it was represented that certain religious, educational and other charitable institutions will be affected on account of the passing of the Estates Land (Reduction of Rent) Act, 1947, Section 5 (1) was incorporated. We are prepared to accept the principle that any loss sustained by the institution concerned consequent on the reduction of rent will have to be made good. If, however, the loss is due to reduction in the extent cultivated owing to adverse seasonal conditions, relinquishments, etc., or due to loss of water-rate when

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water is not taken for cultivation, why should such losses be made good under the Rent Reduction Act? When there is a reduction in income due to reasons other than rent reduction, we cannot be expected to compensate it. The object of the original Rent Reduction Act of 1947, which was passed earlier than the Madras Estates (Abolition and Conversion into Ryotwari) Act of 1948, was to make good the loss suffered by the reduction of rent. The Government, therefore, cannot make good losses suffered by the institutions on account of other causes. Hon. Member Sri K. Balasubramanya Ayyar said that the five years' average income should be taken into account. Even in calculating that average, all these factors will be taken into account. I mean the reduced extent of the land, the water rate to which the land is assessed, etc. So the average will go up and there is no reason why the average should be raised by factors other than rate of rent reduction.

4-30
p.m.

"Then, Sir, it was said that we are now having legislation which provides for retrospective effect. In the present civilized form of our existence, we have got to have recourse to retrospective legislation. Let us take income-tax for instance. I was assessed to income-tax three or four years ago. I paid it and thought the bother was over. But to-day, I get a communication saying: 'You have got this property and that property; you have to pay Rs. 500 as income-tax.' This is an adjustment which is taking place in all departments of the Government. I cannot understand why hon. Members should object to this provision.

"The hon. Member Sri Balasubramanya Ayyar spoke as if the word 'they' referred to Government. I say 'they' refers to him, to Mr. Narayanaswami Pillai, to the Chairman and everybody else. It is the money given by the people to the Government that is sought to be given to these institutions here. Why should we pay from the public exchequer to reimburse losses sustained on account of causes other than reduction of rent? That is my point. He is not right in criticizing the Government in that way."

MR. CHAIRMAN :—"The question is—

'That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be taken into consideration.'

The motion was carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Mr. Chairman, Sir, I move—

'That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be passed into law.'"

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MR. CHAIRMAN :—" Motion moved—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be passed into law.' "

* SRI K. BHASHYAM :—" I want to say a few words on the reference made by the Hon. the Minister for Revenue to the income-tax provisions. He forgets that under the income-tax provisions, old assessments are raked up because the assesseees prepare accounts falsely and fraudulently. The Government lose on account of these malpractices, and they provide for such penalties as fines, etc. in respect of such matters. How can the Government apply such a principle to a case like this? Under an arrangement with the Government, the payments have been going on openly, and no question of dishonesty arises here. So, it is not fair to apply that principle here. To apply it is simply iniquitous and it will lead to a serious consequence, namely, closing down of a number of institutions."

MR. CHAIRMAN :—" The question is—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be passed into law.'

The motion was carried and the Bill was passed into law.

(6) THE SOCIETIES REGISTRATION (MADRAS AMENDMENT) BILL,
1954 (L.A. BILL NO. 35 OF 1954)

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—

' That the Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954) as passed by the Assembly, be taken into consideration.'

4-40 p.m. Sir, this is a very simple amendment which seeks to substitute the Inspector-General of Registration for the Registrar of Joint Stock Companies for the administration of the Societies Registration Act, 1860. Formerly, the Indian Companies Act was administered by the State Government but the Government of India have now taken over its administration. The Registrar of Joint Stock Companies will hereafter be under the administrative control of the Government of India. The amendment seeks to make the Inspector-General of Registration the officer to be in charge of the Societies Registration Act, 1860, which will be administered by the Government of Madras."

MR. CHAIRMAN :—" The question is—

' That the Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954), as passed by the Assembly, be taken into consideration.'

The motion was carried and the Bill was taken into consideration.

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Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—

' That the Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—" The question is—

' That the Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954), as passed by the Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

(7) THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT)
BILL, 1954 (L.A. BILL NO. 36 OF 1954).

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—

' That the Madras Commercial Crops Markets (Amendment) Bill^a, 1954 (L.A. Bill No. 36 of 1954), as passed by the Assembly, be taken into consideration.' "

" The Madras Commercial Crops Markets Act, 1933, has now been on the Statute Book for over two decades. This Act was passed as a result of the recommendation made in the Report of the Royal Commission on Agriculture in 1928. This Commission stressed the need for the establishment of regulated markets for commercial crops under State legislation as these markets were in a disorganized state and laboured under many disadvantages.

" The main object of this marketing legislation is to create conditions of better marketing for the cultivator with a view to getting him a better and fair price for his produce. The average ryot is ignorant of the several malpractices obtaining in trade and as a consequence he is duped of his legitimate profits which usually go to the middleman. For example, weights and measures are manipulated, prices are raised or lowered at the will of brokers or trade agents, who being well-trained in their professions are more efficient and skilful. Illegal exactions are also made in the name of charity or trade allowances. These evils deprive the producers of a fair price for their produce.

" Under the Act, seven districts of this State have been notified for regulation of better marketing in specified commercial crops. These districts are—

(i) South Arcot district (in respect of groundnut, cotton and gingelly);

(ii) Coimbatore (in respect of cotton, groundnut and tobacco);

[Sri M. Bhaktavatsalam] [16th August 1954]

(iii) Malabar (in respect of coconuts and arecanuts and their by-products);

(iv) South Kanara (in respect of coconuts and arecanuts and their by-products);

(v) Ramanathapuram (in respect of groundnut and cotton);

(vi) Tirunelveli (in respect of cotton); and

(vii) North Arcot (in respect of groundnut).

“ About two years ago, certain merchants, mainly from the Ramanathapuram and Tirunelveli districts, filed writ petitions in the Madras High Court, generally contending that the Act was *ultra vires* of the Constitution and that in any case, it put unnecessary restrictions on trade by asking it to take out licences under the Act and to pay fees on commercial crops bought and sold in the notified area. The High Court generally pronounced the Act as a valid piece of marketing legislation under the Constitution; but at the same time, it held Section 5 (4) (a) of the Act and part of rule 37 of the rules issued thereunder as void. Under Section 5 (4) (a) the Collector has got absolute discretion to grant or refuse to grant a licence to any trader. Rule 37 prohibits persons who have not registered themselves as buyers and sellers from carrying on business in the notified area. It was considered by the High Court that the discretionary powers conferred on the Collector in the matter of issue of licences were in excess. At the same time, the Court held that this decision did not entail the entire licensing regulation becoming void because its only result was that all applicants were entitled to obtain licences provided they paid the prescribed fee and complied with other conditions. The system of licensing itself has been considered as inevitable, once regulation of business is contemplated.

“ The High Court held that rule 37 of the rules issued under the Act was not in conformity with the intention of the Act as it has obviously been provided in consequence of Section 18 (2) (v-a) which provided for the registration of buyers, sellers, etc., and prohibits buying and selling of commercial crops in the notified area by persons not so registered. It was held by the High Court that apart from licensing, under Section 5 of the Act, the maintenance of electoral rolls was only contemplated which meant that registration which was merely voluntary for purposes of election should not be taken to mean that the Act sanctions compulsory registration for trading purposes also; it was stated that the restriction is an infringement on the inherent right of a person to do his lawful avocation and as such should be construed as void. The Government are advised that though the High Court did not specifically pronounce Section 18 (2) (v-a) to be void, the last portion of this section which permits the rule being made prohibiting persons from carrying on business in a notified area should be construed to be void.

16th August 1954] [Sri M. Bhaktavatsalam]

“ Another question that has arisen is in regard to rule 3 of the Madras Commercial Crops Markets Rules, 1948. The rule prescribed certain modes of publication of a notification under Section 3 or 4 of the Madras Commercial Crops Markets Act 1933, with a view to making it known to all persons affected thereby. It is sometimes not possible to adhere strictly to the letter of this rule and publish a notification according to the various modes prescribed on account of which any notification not so published becomes invalid. Sometime back, in respect of certain prosecutions launched by the South Kanara Market Committee, it was held by the District Court, Mangalore, that the Committee was not validly constituted on the ground that it was not able to prove to the satisfaction of the Court that the notifications in respect of the constitution of the Committee had been published in the various modes prescribed in rule 3 of the Madras Commercial Crops Markets Rules. With a view to validate the constitution of the South Kanara Market Committee as also to provide for cases in which notifications under Section 4 have already been published, it is proposed to give retrospective effect to the amendment to Section 4 of the Madras Commercial Crops Markets Act, 1933.

“ It will be thus seen that the amending Bill before the House seeks to bring the provisions of the Act aforesaid in consonance with the Constitution and the judgments of the Madras High Court and the South Kanara District Court. The amending Bill will also be conducive to the smooth working of the Act.

“ With these words, I commend this Bill for the acceptance of the House.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Commercial Crops Markets (Amendment) Bill, 1954 (L.A. Bill No. 36 of 1954), as passed by the Assembly, be taken into consideration. ’ ”

The motion was carried and the Bill was taken into consideration.

Clauses 2 to 4 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I move—

‘ That the Madras Commercial Crops Markets (Amendment) Bill, 1954 (L.A. Bill No. 36 of 1954), as passed by the Assembly, be passed into law. ’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Commercial Crops Markets (Amendment) Bill, 1954 (L.A. Bill No. 36 of 1954), as passed by the Assembly, be passed into law. ’ ”

The motion was carried and the Bill was passed into law.

[16th August 1954]

VI.—GOVERNMENT MOTION.

AMENDMENT TO SCHEDULE IV TO THE MADRAS CITY MUNICIPAL ACT, 1919.

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—

“ Mr. Chairman, Sir, under rule 14 of the rules in Schedule IV to the Madras City Municipal Act, 1919, appeals against the orders passed by the Commissioner, Corporation of Madras, under rule 13-A (3) of the said rules in respect of tax assessments, should be preferred to the Taxation Appeals Committee within 15 days from the date on which such orders were sent by post. It has been represented to Government that the time limit of 15 days which is reckoned from the date of despatch of the orders by registered post is inadequate and should be increased. In consultation with the Corporation Council, it is proposed to extend the time limit for preferring appeals to the Taxation Appeals Committee from 15 days to 30 days. It has therefore become necessary to alter rule 14 in Schedule IV to the Madras City Municipal Act, 1919, by an appropriate amendment of that schedule. A draft of the proposed rule was duly published in the *Fort St. George Gazette* for general information and communicated to the Corporation of Madras for its opinion. The Corporation of Madras has agreed to the proposed amendment. No objection or suggestion has been received from the public in regard to the said amendment. I accordingly move the following motion :—

‘ That the following draft of a rule proposed to be made by the Governor of Madras in exercise of the powers conferred by Section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), altering Schedule IV to that Act be approved.

DRAFT RULE.

In the said schedule in rule 14, for the words “ within fifteen days ” the words “ within thirty days ” shall be substituted.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the following draft of a rule proposed to be made by the Governor of Madras in exercise of the powers conferred by Section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), altering Schedule IV to that Act be approved.’

16th August 1954]

[Mr. Chairman]

DRAFT RULE.

In the said schedule in rule 14 for the words " within fifteen days " the words " within thirty days " shall be substituted.' "

The motion was put and carried.

MR. CHAIRMAN :—" I now adjourn the House *sine die*."

The House then adjourned *sine die*.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* Bills passed by the Assembly and received therefrom in the Council—

(1) *The Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954).*

(2) *The Societies Registration (Madras Amendment) Bill, 1954 (L.A. Bill No. 35 of 1954).*



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APPENDIX I.

[Vide answer to starred question No. 148 asked by Sri M. Ethirajulu at the meeting of the Legislative Council held on 16th August 1954, page 432 supra.]

(a) The annual production of sugarcane in the present Madras State for the past five years is given below :—

Year.	Production (in tons).
1948-49	2,332,008
1949-50	2,106,550
1950-51	2,909,324
1951-52	3,198,216
1952-53	2,525,300
Average of five years ..	2,614,280

(b) The annual production of sugarcane in the South Arcot district is as follows :—

Year.	Production (in tons).
1948-49	464,760
1949-50	457,975
1950-51	617,626
1951-52	638,256
1952-53	625,000
Average of five years ..	566,723

(c) The total annual requirement of sugar for consumption in present Madras State is estimated at 62,000 tons.

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APPENDIX II.

[Vide answer to starred question No. 149 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 16th August 1954, page 432 supra.]

LIST I.

List of Newspapers, institutions, etc., supplied with Government publications free of charge.

(NOTE.—“Press papers” means papers placed at the disposal of the Press except Administration Reports, Fort St. George Gazettes and Proceedings of the Legislature.)

I. All Press Papers.

- 1 Ananda Vikatan, Madras.
- 2 Associated Press of India, Madras Branch.
- 3 All-India Congress Committee, 7, Jantar Mantar Road, New Delhi.
- 4 Andhra Chamber of Commerce, Madras.
- 5 Andhra Provincial Journalists Association, Guntur.
- 6 Andhra Patrika, Madras.
- 7 Andhra Prabha, Madras.
- 8 Andhra Mahasabha, Vijayavada.
- 9 Andhra Provincial Congress Committee.
- 10 Bharatha Devi, Madras.
- 11 Connemara Public Library, Madras.
- 12 The Chandrika, Kozhikode.
- 13 Dinamani, Madras.
- 14 Daily Thanthi, Madras.
- 15 Dwarakdass Library, Lahore
- 16 Free Press, Madras.
- 17 Guild of Service (Seva Samajam, Government House, Madras.)
- 18 Harijan Sevak Sangh, New Delhi.
- 19 Harijan, Poona.
- 20 Hindu, Madras.
- 21 Information Officer of Government of India, Press Information Bureau, Khaleel Mansions, Madras.
- 22 Indian Express, Madras.
- 23 Indian Review, Madras.
- 24 Karnataka Provincial Congress Committee, Hubli.
- 25 Mail, Madras.
- 26 Mahajana Sabha, Madras.
- 27 Maheswar Public Library, Patna.
- 28 Mathrubhumi, Kozhikode.
- 29 Madras Legislature Congress Party.
- 30 Madras Provincial Union of Panchayat Boards, Madras.

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I. All Press Papers—cont.

- 31 Members of the Madras Legislative Assembly—Only such papers as are called for.
- 32 Members of the Madras Legislative Council—Only such papers as are called for.
- 33 Navayuga, Navayuga Press, Udipi—Only such papers as are called for.
- 34 Madras Members of the Union Parliament.
- 35 Parliament Library of India.
- 36 Sri P. S. Kumaraswami Raja.
- 37 Powrasakti, Kozhikode.
- 38 Provincial Branch of the Indian National Trade Union Congress, Mathurai.
- 39 Swatantra, Madras.
- 40 The Sarada, Vijayavada.
- 41 Servants of India Society, Poona.
- 42 South Indian Bulletin, Madras.
- 43 South Indian Chamber of Commerce.
- 44 Statesman, Calcutta.
- 45 Secretary, Congress Party, Union Parliament, New Delhi.
- 46 Swadesamitran, Madras.
- 47 Trilinga, Madras.
- 48 Thanti, Madhurai.
- 49 Tamil-Nad Congress Committee, Madras.
- 50 United Press of India, Limited, Madras.
- 51 Viduthalai, Chintadripet, Madras.
- 52 The Vijayaprabha, Madras.
- 53 Special Correspondent, News Services division, All-India Radio, Burkot Road, Theyagarayanagar, Madras, including copies of the Bills published in *Fort St. George Gazette*.
- 54 Nava Keralam, Kozhikode.
- 55 Navabharata, Mangalore.
- 56 The Musalman, Triplicane, Madras.

II. Press Papers relating to particular subjects.

<i>Serial number and name of newspaper, institution, etc.</i>	<i>Subject or subjects on which papers are to be supplied.</i>	<i>Remarks.</i>
1 Annamalai University ..	Papers dealing with education will be of interest to the University.	Selection and supply by the departments of the Secretariat concerned.
2 Headmasters' Association.	Papers of the Education section of the Education Department.	Supply by the Superintendent, Government Press.
3 Hindu Religious Endowments Board.	Papers bearing on the administration of the Hindu Religious Endowments.	Selection and supply by the Rural Welfare Department.

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II. *Press papers relating to particular subjects—cont.*

<i>Serial number and name of newspaper, institution, etc.</i>	<i>Subject or subjects on which papers are to be supplied.</i>	<i>Remarks.</i>
(1)	(2)	(3)
4 Imperial Council of Agricultural Research.	Papers relating to Agriculture, Trade, Industries, Forests, etc., in accordance with the weekly lists of the Development Department.	Development Department.
5 Indian Forester, Dehra Dun.	Do.	Do.
6 Madras Chamber of Local Boards, Saidapet.	Papers relating to Education and Local Administration.	Supply by the Superintendent, Government Press.
7 Madras Landholders' Association.	Papers relating to Agriculture, Industries, Trade, Commerce, Co-operation and Forestry and Irrigation and Revenue Department papers which are of general importance.	Selection and supply by the departments of the Secretariat concerned.
8 Madras Provincial Co-operative Union.	Papers relating to Agriculture, Industries, Co-operative Societies, Veterinary Department, Fisheries and Weights and Measures.	Do.
9 Madura-Ramnad Chamber of Commerce, Madurai.	Papers relating to Trade, Commerce, Industries and Agriculture issued by Government or under their authority.	Do.
10 Missionary Educational Council of South India, Arkonam.	Papers of the Education Department.	Supply by the Superintendent, Government Press.
11 Nurses' Association, Madras.	Papers relating to Nurses	Selection and supply by the departments of the Secretariat concerned.
12 Rice Grain and Sugar Merchants' Association.	Papers of the Development Department.	Supply by the Superintendent, Government Press.
13 Rural Medical Practitioner's Association.	Papers of general interest relating to Rural Medical Practitioners.	Selection and supply by the Public Health Department.
14 South Indian Teachers' Union, Triplicane, Madras.	Papers of the Education Department.	Supply by the Superintendent, Government Press.
15 Southern India Skins and Hides Merchants' Association.	Papers relating to Agriculture, Industries, Trade, Commerce, Co-operation and Forestry.	Selection and supply by the Development Department.
16 Tamil Nadu Co-operative Federation, Limited, Coimbatore.	Papers relating to Agriculture, Industries, Trade, Commerce, Co-operation and Forestry and Irrigation and Revenue Department papers which are of general interest.	Selection and supply by the departments of the Secretariat concerned.
17 United Planters' Association of South India, Madras.	Papers relating to Agriculture, Trade, Industries, Forestry, etc., in accordance with the weekly list of the Development Department.	Selection and supply by the Development Department.
18 The Indian Railway Magazine, Madras.	Papers of general interest relating to Transport.	Selection and supply by the Local Administration Department.
19 Muhammadan Educational Association of Southern India, Madras.	Papers of the Education Department.	Supply by the Superintendent, Government Press.
20 The Editor, "Varthage Oollian," Tiruchirappalli.	Papers relating to Industry and Commerce and Trade.	Selection and supply by the Development Department.

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II. Press papers relating to particular subjects—cont.

Serial number and name of newspaper, institution, etc.	Subject or subjects on which papers are to be supplied.	Remarks.
(1)	(2)	(3)
21 The Editor, "Mirasidar," Mayuram, Tanjore district.	Papers relating to Agriculture, Industries, Trade, Commerce, Co-operation and Forestry, Irrigation and Revenue Department papers which are of general importance.	Selection and supply by the departments of the Secretariat concerned.
22 Tiruchirappalli District Agricultural Associa- tion.	Papers relating to Education, Sanitation, Communications, Irrigation and Revenue Department papers which are of general importance and all papers of general interest as well as those of special interest to the Tiruchirappalli district, bearing on Agriculture, Industries, Trade and Commerce, Co-operation and Forestry.	Do.
23 Muslim Chamber of Com- merce.	Papers relating to Trade, Com- merce, Industries and Agricul- ture which are of general interest.	Selection and supply by the Development Department.
24 Salem District Chamber of Commerce.	Papers relating to Trade, Com- merce, Industries and Agricul- ture.	Selection and supply by the Development Department.
25 Educational India	Papers of the Education Depart- ment.	Supply by the Superinten- dent, Government Press.
26 Dr. R. Hercood, General Secretary, The Inter- national Bureau against Alcoholism, Lausanne.	Papers relating to Prohibition	Selection and supply by the Revenue Depart- ment.
27 Rev. Herbert Anderson, Baptist Mission House, 44, Lower Circular Road, Calcutta.	Do.	Do.
28 The Setiotope Anicut Mirasdars' Association Porto Novo.	Papers relating to Irrigation and Land Revenue.	Selection and supply by the departments of the Secretariat concerned.
29 Taluk Mirasdars' Associa- tion, Sirkali.	Papers relating to Agriculture, Irrigation and Land Revenue.	Do.
30 The National Health Association of Southern India.	Papers relating to Public Health.	Selection and supply by the Public Health Department.
31 Andhra University Library.	Papers of general interest issued by the Local Administration Department.	Selection and supply by the Local Administra- tion Department.
32 Indian Chamber of Com- merce, Coimbatore.	Papers relating to Trade, Com- merce, Industries and Agricul- ture.	Selection and supply by the Development Department.
33 Madras Yarn Merchants' Association.	Papers relating to Trade, Com- merce and the Textile Industry which are of general interest.	Do.
34 Madras Journal of Co- operation, Madras.	(1) Papers of the Revenue Depart- ment.	(1) Supply by the Superin- tendent, Government Press.
	(2) Papers of general interest relating to Agriculture, Co- operation, Rural Development and Industries.	(2) Selection and supply by the Development Department.
Coimbatore District Agri- culture Association.	Papers relating to Education, Sanitation, etc.	Selection and supply by the departments of Secretariat concerned.

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LIST II.

List of papers to which "Review" copies of Government publications may be sent.

English dailies (Madras State).

The Hindu
Indian Express
Mail

English periodicals.

Swatantra.
Free India.
Sunday Times.
Sport and Pastime.
Free Press.
Federated India.

English dailies (outside the State).

Deccan Herald, Bangalore ..
Bombay Chronicle, Bombay ..
Times of India, Bombay ..
Free Press Journal, Bombay.
Statesman, Calcutta.
Amrita Bazaar Patrika, Calcutta.
National Herald, Lucknow.
Pioneer, Allahabad.
Indian News Chronicle, Delhi.
Hindustan Times, New Delhi.
Hindustan Standard, Nagpur.
Hitawada, Nagpur.
Nagpur Times, Nagpur.

Periodicals (outside the State).

Orient, Calcutta.
Forum Bombay.
Illustrated Weekly of India, Bombay.

Tamil dailies.

Dinamani
Swadesamitran
Thanti
Nava India (Coimbatore) ..
Tamil Nadu (Madurai) ..
Viduthalai
Dinamani (Madurai) ..
Bharat Devi

Tamil periodicals.

Kelki.
Ananda Vikatan.
Kalaimagal.
Dinamani Kadir.
Amuda Surabhi.
Kumudham.
Swadesamitran (Weekly).
Kalai Kadir (Coimbatore).

Telugu dailies.

Andhra Prabha
Andhra Patrika
Visalandhra

Telugu periodicals.

Andhra Patrika Weekly.
Telugu Swatantra.
Krishna Patrika, Masulipatnam.
Kinnara, 16, Jones Street.
Trilinga, Tiruvottiyur High Road, Madras-21.
Andhra Jyoti, 37, Acharappan Street, Madras-1.
Zamin Ryot, Nellore.
Sadhana, Anantapur.
Jyoti, Tenali.

Malayalam dailies.

Mathrubhumi, Kozhikode ..
Powrasakthi, Kozhikode ..

Malayalam periodicals.

Mathrubhumi Weekly (Kozhikode).
Jayakeralam, Madras.
Chandrika, Kozhikode.
Pravaham, Kozhikode.

Kannada dailies.

Samyuktha Karnatak, Hubli ..
Navabharatha, Mangalore ..

Kannada periodicals.

Rashtra Bandhu.
Yugapurusha.
Navayuga.
Kannadiga, Hubli.

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LIST III.

The names of the newspapers in which the advertisements of the various departments of the State Government are generally sent for publication—

English.

- 1 The Hindu.
- 2 The Indian Express.
- 3 The Mail.
- 4 The Statesman, Calcutta.
- 5 The Amrita Bazaar Patrika, Calcutta.
- 6 The Pioneer, Lucknow.
- 7 The Indian Nation, Patna.
- 8 The Hindustan Times, New Delhi.
- 9 The Deccan Herald, Bangalore.
- 10 The Hindustan Standard, Calcutta.
- 11 The Samaj, Cuttack.
- 12 The Free Press Journal, Bombay.
- 13 The Bombay Chronicle, Bombay.
- 14 The Praja Thanthra, Cuttack.
- 15 The Ceylon Times, Ceylon.
- 16 The National Herald, Lucknow.
- 17 The Deccan Chronicle, Secunderabad.
- 18 The Bharat, Bombay.
- 19 The Nagpur Times, Nagpur.
- 20 The Indian News Chronicle, Delhi.
- 21 The New Orissa, Cuttack.
- 22 The Eastern Review, Cuttack.
- 23 The Ceylon Daily News, Ceylon.
- 24 The Rangoon Times, Rangoon.
- 25 The Eastern Times, Cuttack.
- 26 The Hitawada, Nagpur.
- 27 The National Standard, Bombay.

Tamil.

- 1 The Dinamani.
- 2 The Swadesamitran.
- 3 The Bharat Devi.
- 4 The Nava India, Coimbatore.
- 5 The Tamil Nadu, Madurai.

Telugu.

- 1 The Andhra Patrika.
- 2 The Andhra Prabha.

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LIST III—cont.

The names of the newspapers in which the advertisements of the various departments of the State Government are generally sent for publication—cont.

Malayalam.

- 1 The Mathrubhumi, Kozhikode.
- 2 The Powrasakthi, Kozhikode.
- 3 The Malayala Manorama, Kottayam
- 4 The Chandrika, Kozhikode.
- 5 The Deepika, Kottayam.
- 6 The Malayala Rajyam, Quilon.
- 7 The Kerala Kaumudi, Trivandrum
- 8 The Gomathi, Tiruchur.

Kanarese.

- 1 The Samyuktha Karnatak, Hubli.
- 2 The Nava Bharat, Mangalore.
- 3 The Nava Yuga, Hubli.
- 4 The Visva Karnatak, Bangalore.

Urdu.

- 1 The Azad Naujawan.
- 2 The Hamdard, Hyderabad.
- 3 The Muzhee-i-Deccan, Hyderabad.
- 4 The Mussalman, Madras.

APPENDIX III.

[Vide item V (1) on page 440 supra.]

L.A. BILL No. 29 OF 1954.

(As passed by the Assembly.)

A Bill to amend the Madras Public Libraries Act, 1948.

WHEREAS it is expedient to amend the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948), for the purpose hereinafter appearing;

BE it enacted in the Fifth Year of our Republic as follows :—

1. *Short title.*—This Act may be called the Madras Public Libraries (Amendment) Act, 1954.

2. *Amendment of section 9, Madras Act XXIV of 1948.*—In section 9 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948), for clause (e), the following clause shall be substituted, namely :—

“(e) accept, with the previous sanction of the Director or the Government, any gift of books, or, with the previous sanction of the Government, any other gift or endowment for any purpose connected with its activities;”.

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APPENDIX IV.

[Vide item V (3) on page 466. *supra*.]

L.A. BILL No. 28 OF 1954.

(As passed by the Assembly.)

A Bill to constitute a township for Bhavanisagar in the Coimbatore district and to provide for its administration and governance.

WHEREAS it is expedient to constitute a township for Bhavanisagar in the Coimbatore district and to provide for its administration and governance :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bhavanisagar Township Act, 1954.

(2) This section shall come into force at once and the rest of this Act shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint (hereinafter referred to as the appointed date).

2. *Bhavanisagar to be a township.*—(1) With effect on and from the appointed date, the area specified in the Schedule (being the area comprised within the jurisdiction of Kuduvay and Thoppampalayam Panchayats immediately before the appointed date) shall be a township called the Bhavanisagar township, and the State Government may, from time to time, by notification in the *Fort St. George Gazette*, alter the limits of the area specified in the Schedule and any such alteration shall have effect as if it had been made by this Act.

(2) Where the limits of the area specified in the Schedule are altered by notification under sub-section (1), the notification may also contain such provisions regarding the application or cesser of application of any enactment and the local authority which is to exercise, or cease to exercise, jurisdiction in relation to the area included in or excluded from the Bhavanisagar township, the apportionment and adjustment of assets and liabilities as between the local authorities concerned and other incidental or consequential matters, as the State Government may deem necessary or proper.

(3) The Madras Village Panchayats Act, 1950 (Madras Act X of 1950), shall, with effect on and from the appointed date, cease to apply to the Bhavanisagar township.

3. *Constitution and composition of committee for administration of Bhavanisagar township.*—(1) For the purpose of administering the municipal affairs of the Bhavanisagar township, the State Government shall, by notification in the *Fort St. George Gazette*, constitute a Committee to be called the Bhavanisagar Township Committee (hereinafter referred to as

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the Township Committee) consisting of six members who shall be appointed by the State Government. Of the six members aforesaid, two shall be non-officials.

(2) The State Government shall appoint—

(a) one of the members of the Township Committee to be its Chairman; and

(b) another person (not being a member of the Township Committee) to be its Executive Officer.

(3) The Township Committee shall be a body corporate, having perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this or any other enactment, shall be vested with the capacity of suing and being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

4. *Application of Madras Act V of 1920 and other enactments to Bhavanisagar township subject to specified modifications, additions and restrictions.*—(1) The State Government may, by notification in the *Fort St. George Gazette*, direct that any of the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the Bhavanisagar township, shall apply to the township to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

(2) In particular and without prejudice to the generality of the foregoing provision, such notifications may authorize—

(a) the Township Committee to levy all or any of the taxes and fees which may be levied by virtue of the provisions applicable to the township under this section; and

(b) the Executive Officer of the Township Committee to exercise and perform in regard to the township, the powers and duties assigned to the executive authority of a municipality under the provisions applied as aforesaid, subject to such restrictions, limitations and conditions and to such control, if any, as may be specified in the notification.

5. *Transfer of property, rights and liabilities of the Kuduvay and Thoppampalayam Panchayats.*—(1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by, or for the Kuduvay or Thoppampalayam Panchayat as well as all liabilities legally subsisting against any of these panchayats, shall, in so far as such property, rights, interests or liabilities relate to the whole or any part of the Bhavanisagar township, stand transferred, on and from the appointed date to the Township Committee.

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(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise, due to either of the aforesaid panchayats, immediately before the appointed date may, in so far as such arrears or other payments relate to the whole or any part of the Bhavanisagar township, be recovered by the Township Committee.

(3) All proceedings taken by or against either of the aforesaid panchayats may, in so far as they relate to any of the matters provided for in sub-sections (1) and (2) be continued by or against the Township Committee.

6. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.

(2) All notifications and orders made under this Act shall as soon as possible after it is made, be placed on the table of the Legislative Assembly for fourteen days, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid.

THE SCHEDULE.

[See section 2 (1).]

The limits of the area of the Bhavanisagar township shall be the area comprised in the

(i) entire Mudukkanthorai revenue village excepting the following survey numbers:—

7, 25 to 37 and 60 to 70 and

(ii) part of Thoppampalayam revenue village consisting of the following survey numbers:—

55 to 64, 66 to 76, northern portion of S. Nos. 77, 399 to 416

bounded on north by the Bhavani river;

west by the Bhavani river;

east by S. Nos. 7, 25, 37, 35, 60 and 70 of Mudukkanthorai village and 54 of Thoppampalayam village;

south by S. No. 65, southern portion of S. Nos. 77 and 417 of Thoppampalayam village and the dam line and water-spread area.

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APPENDIX V.

[Vide item V (4) on page 482 supra.]

L.A. BILL No. 31 OF 1954

(As passed by the Assembly.)

A Bill further to amend the Madras District Boards Act, 1920.

WHEREAS it is expedient further to amend the Madras District Boards Act, 1920 (Madras Act XIV of 1920), for the purposes hereinafter appearing ;

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title.*—This Act may be called the Madras District Boards (Second Amendment) Act, 1954.

2. *Insertion of Chapter IV-A in Madras Act XIV of 1920.*—After Chapter IV of the Madras District Boards Act, 1920 (Madras Act XIV of 1920), the following Chapter shall be inserted, namely :—

“ CHAPTER IV-A.

Maintenance of order on election day and requisitioning of property for election purposes.

59-A. *Prohibition of public meetings on the election day* —

(1) No person shall convene, hold or attend any public meeting within any circle on the date or dates on which a poll is taken for an election in that circle.

(2) Any person who contravenes the provisions of subsection (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

• 59-B. *Officers, etc., at elections not to act for candidates or to influence voting.*—(1) No person who is a Returning Officer, or an Assistant Returning Officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

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(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

59-C. *Prohibition of canvassing in or near polling stations.*

—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes ; or

(b) soliciting the vote of any elector ; or

(c) persuading any elector not to vote for any particular candidate ; or

(d) persuading any elector not to vote at the election ;
or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

59-D. *Penalty for disorderly conduct in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

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(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression “polling officer” means the polling officer of a polling station or if there is a presiding officer at the station, such presiding officer.

59-E. *Penalty for misconduct at the polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression “polling officer” has the same meaning as in section 59-D.

59-F. *Removal of ballot papers from polling station to be an offence.*—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

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(4) An offence punishable under sub-section (1) shall be cognizable.

59-G. Requisitioning of premises, vehicles, etc., for election purposes.—(1) If it appears to the State Government that in connexion with an election to be held to a district board—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connexion with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connexion with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) “ premises ” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof ;

(b) “ vehicle ” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

59-H. Payment of compensation.—(1) Whenever in pursuance of section 59-G, the State Government requisition any premises, there shall be paid by the district board concerned

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to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application within one month from the date of service of the order of requisition to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by that Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “ person interested ” means the person who was in actual possession of the premises requisitioned under section 59-G immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 59-G, the State Government requisition any vehicle, vessel or animal, there shall be paid by the district board concerned to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within one month from the date of service of the order of requisition to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in

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such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

59-I. Power to obtain information.—The State Government may, with a view to requisitioning any property under section 59-G or determining the compensation payable under section 59-H, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

59-J. Powers of entry into and inspection of premises, etc.—(1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 59-G should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions “premises” and “vehicle” have the same meanings as in section 59-G.

59-K. Eviction from requisitioned premises.—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 59-G may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

59-L. Release of premises from requisition.—(1) When any premises requisitioned under section 59-G are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 59-G is to be given under subsection (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

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(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

59-M. *Delegation of functions of the State Government with regard to requisitioning.*—The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 59-G to 59-L shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

59-N. *Penalty for contravention of any order regarding requisitioning.*—If any person contravenes any order made under section 59-G or section 59-I, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both."

APPENDIX VI.

[Vide item V (5) on page 495 supra.]

L.A. BILL No. 32 OF 1954.

(As passed by the Assembly.)

A Bill further to amend the Madras Estates Land (Reduction of Rent) Act, 1947.

WHEREAS it is expedient further to amend the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), for the purposes hereinafter appearing :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Estates Land (Reduction of Rent) Amendment Act, 1954.

(2) Section 2 shall be deemed to have come into force on the 7th January 1948.

2. *Amendment of section 5, Madras Act XXX of 1947.*—In sub-section (1) of section 5 of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) (hereinafter referred to as the principal Act), for the words beginning with "the State Government shall make good" and ending with "the average net income aforesaid", the following words shall be substituted, namely :—

"the State Government shall pay to the institution at the end of the fasli year in question the difference between the net income derived by the institution in such fasli year

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and the net income which the institution would have derived in such fasli year if the rates of rent had not been reduced under the provisions of the foregoing sections.”

3. *Provision for adjustment of excess amount paid to religious, educational or charitable institutions.*—Where the amount paid to any religious, educational or charitable institution for the fasli year 1357 or any subsequent fasli year under sub-section (1) of section 5 of the principal Act is in excess of the amount payable to such institution under that sub-section as amended by this Act, then, notwithstanding anything contained in any law, contract or decree or order of Court to the contrary, the excess shall be adjusted towards the amount payable for any later fasli year, whether before or after the commencement of this Act, under sub-section (1) of section 5 of the principal Act as amended by this Act or the tasdik allowance or additional compensation, if any, payable in respect of the estate or part thereof under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

APPENDIX VII.

[Vide item V (6) on page 502 supra.]

L.A. BILL No. 35 OF 1954.

(As passed by the Assembly.)

A Bill to amend the Societies Registration Act, 1860, in its application to the State of Madras.

WHEREAS it is expedient to amend the Societies Registration Act, 1860 (Central Act XXI of 1860), in its application to the State of Madras :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title and extent.*—(1) This Act may be called the Societies Registration (Madras Amendment) Act, 1954.

(2) It extends to the whole of the State of Madras.

2. *Amendment of Central Act XXI of 1860.*—In the Societies Registration Act, 1860 (Central Act XXI of 1860)—

(i) in section 1, for the words “ the Registrar of Joint-stock Companies ”, the words and brackets “ the Inspector-General of Registration (hereafter in this Act referred to as the Inspector-General) ” shall be substituted;

(ii) to the same section, the following Explanation shall be added, namely :—

“ *Explanation.*—‘ Inspector-General of Registration ’ means the Inspector-General of Registration appointed by the State Government under section 3 of the Indian Registration Act, 1908 (Central Act XVI of 1908) or any of the district authorities subordinate to the Inspector-General of Registration not below the rank of the District Registrar to whom powers may be delegated in respect of this Act.”

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(iii) in sections 3 and 19, for the words " the registrar " wherever they occur, the words " the Inspector-General " shall be substituted ;

(iv) in sections 4 and 18, for the words, " the Registrar of Joint-stock Companies ", the words " the Inspector-General " shall be substituted.

3. *Saving*.—Any document filed with, or certificate issued by, the Registrar of Joint-stock Companies under the Societies Registration Act, 1860 (Central Act XXI of 1860), before the commencement of this Act shall be deemed to have been filed with, or issued by, the Inspector-General of Registration under the said Act as amended by this Act.

APPENDIX VIII.

[Vide item V (7) on page 503 supra.]

L.A. BILL No. 36 OF 1954.

(As passed by the Assembly.)

A Bill further to amend the Madras Commercial Crops Markets Act, 1933.

WHEREAS it is expedient further to amend the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), for the purposes hereinafter appearing ;

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Madras Commercial Crops Markets (Amendment) Act, 1954.

(2) Section 2 shall be deemed to have come into force on the 20th November 1945.

2. *Amendment of section 4, Madras Act XX of 1933*.—(1) Section 4 of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933) (hereinafter referred to as the principal Act), shall be renumbered as sub-section (1) of that section.

(2) In sub-section (1) as so renumbered—

(a) the words " and in any other manner prescribed by rules made under this Act " shall be omitted ;

(b) the following paragraph shall be added at the end, namely :—

" A copy of the notification shall be published in the prescribed manner."

(3) After sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

" (2) For the removal of doubts, it is hereby declared that a notification published in the Official Gazette under section 3 or under sub-section (1) shall have full force and

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effect notwithstanding any omission to publish, or any irregularity or defect in the publication of, a copy of the notification under section 3 or under sub-section (1), as the case may be.”.

3. *Amendment of section 5, Madras Act XX of 1933.*—In section 5, sub-section (4), of the principal Act, for clause (a), the following clause shall be substituted, namely :—

“ (a) A licence may be refused to a person—

(i) whose licence was cancelled and three years have not elapsed since the date of the cancellation;

(ii) who has been convicted of an offence, or been guilty of misconduct, which in the opinion of the Collector, affects the said person's integrity as a man of business;

(iii) in regard to whom the Collector is satisfied, after such enquiry as he considers adequate, that such person is a benamidar for, or a partner with, any other person to whom a licence may be refused under clause (i) or (ii).” :

Provided that in all cases of refusal the applicant shall be entitled to appeal to the Revenue Board and the Government in the prescribed manner.

4. *Amendment of section 18, Madras Act XX of 1933.*—In section 18, sub-section (2), of the principal Act, for clause (v-a), the following clause shall be substituted, namely :—

“ (v-a) the registration of buyers, sellers and buyers and sellers, in the notified area; the form in which and the conditions subject to which such registration may be renewed; and the fees to be charged therefor; ”.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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